



BULKY DOCUMENTS

(Exceeds 300 pages)

Proceeding/Serial No: 91156321

Filed: 10-22-08

**Title: REGISTRANT'S STIPULATED MOTION FOR
LEAVE TO USE TRIAL TESTIMONY FROM
OPPOSITION NO. 91156321 IN PROCEEDING <BOX
1>**

Part 1 of 8



TTAB

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Docket No. 27206-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA, Petitioner, vs. UNITED STATES HISPANIC CHAMBER OF COMMERCE, Registrant. And Related Counterclaims.	Cancellation No. 92-045,876 Reg. No. 2,886,207 REGISTRANT'S STIPULATED MOTION FOR LEAVE TO USE TRIAL TESTIMONY FROM OPPOSITION NO. 91-156,321 IN THIS PROCEEDING
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Commissioner of Trademarks
Attn.: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451



Dear Commissioner:

Registrant, United States Hispanic Chamber of Commerce ("Registrant"), by and through its counsel, requests leave to use in this proceeding the trial testimony that Applicant United States Hispanic Chamber of Commerce Foundation ("Applicant") took and filed in Opposition No. 91-156,321 (the "Opposition"). Specifically, Registrant seeks to use the trial testimony of the following witnesses:

1. Frank Lopez, whose testimony was taken on February 20, 2008.
2. Jose Nino, whose testimony was taken on February 22, 2008.
3. Curtis Carlson, whose testimony was taken on February 25, 2008.
4. Mary Ginnane-Singer, whose testimony was taken on February 27, 2008.

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07-08-2008

5. Melissa Brown, whose testimony was taken on February 28, 2008.

6. Monica Danner, whose testimony was taken on February 28, 2008.

On June 6 and June 25, 2008, Petitioner The Chamber of Commerce of the United States of America ("Petitioner"), by and through its counsel, stipulated to Registrant's use in this proceeding of the trial testimony from the Opposition.

In its Order dated November 26, 2007 granting Petitioner's similar motion to use its testimony from the Opposition in this proceeding, the Board stated that "applicant and registrant are in privity; that the issues involved in each proceeding are closely related, and significantly, that the counterclaims involved in each proceeding are identical." (Order at p. 5.) Therefore, pursuant to 37 CFR § 1.122(f) and TTAB Rule 530, Registrant respectfully requests that the Board grant this motion and allow Registrant to use Applicant's testimony from the Opposition in this proceeding. Copies of the subject testimony, along with the accompanying exhibits, are attached hereto as Exhibits 1 through 6.

Registrant respectfully requests that its motion for leave to use the subject trial testimony be granted.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

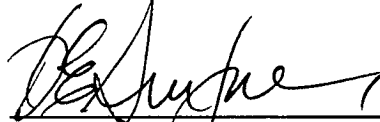
Date: July 3, 2008

By: 

Jill M. Pietrini
Andrew Eliseev
11355 West Olympic Boulevard
Los Angeles, California 90064
(310) 312-4000

CERTIFICATE OF MAILING


I hereby certify that this correspondence is being placed in sealed container(s) marked for Federal Express and affixing a pre-paid air bill, and causing the container(s) to be delivered to a Federal Express agent for delivery as addressed to: Commissioner for Trademarks, Attn.: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on this 3rd day of July, 2008.



Paulette E. Surjue

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REGISTRANT'S STIPULATED MOTION FOR LEAVE TO USE TRIAL TESTIMONY FROM OPPOSITION NO. 91-156,321 IN THIS PROCEEDING** is being placed in sealed container(s) marked for Federal Express and affixing a pre-paid air bill, and causing the container(s) to be delivered to a Federal Express agent for delivery as addressed to: Erik Kane, Kenyon & Kenyon, 1500 K Street, N.W., Washington, DC 20005-1257, on this 3rd day of July, 2008.



Paulette E. Surjue

Cancellation No.
92-045,876

Contents: Box 1

- ☒ REGISTRANT'S STIPULATED MOTION FOR LEAVE TO
USE TRIAL TESTIMONY FROM OPPOSITION NO. 91-156,321 IN
THIS PROCEEDING ("Motion")
- ☒ Postcard (filing) receipt
- ☒ Exhibit 1 to Motion
- ☒ Exhibit 2 to Motion
- ☒ Exhibit 3 to Motion
- ☒ Exhibit 4 to Motion
- ☒ Exhibit 5 to Motion

Contents: Box 2

- ☒ Exhibit 6 to Motion

Cancellation No.
92-045,876

EXHIBIT 1

to **REGISTRANT'S STIPULATED MOTION FOR LEAVE TO USE TRIAL TESTIMONY FROM
OPPOSITION NO. 91-156,321 IN THIS PROCEEDING**
dated July 3, 2008 (Cancellation No. 92-045,876)

LOPEZ

Docket No. 27206-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

 **ORIGINAL**

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In Re Application Serial No. 78/081,732 :
for U.S. HISPANIC CHAMBER OF COMMERCE :
FOUNDATION & Design :
:
THE CHAMBER OF COMMERCE OF THE : Opposition No.
UNITED STATES OF AMERICA, : 91-156,321
Opposer, :
vs. :
UNITED STATES HISPANIC CHAMBER OF :
COMMERCE FOUNDATION, :
Applicant. :

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DEPOSITION OF FRANK LOPEZ

Washington, DC

Wednesday, February 20, 2008

REPORTED BY:

CARMEN SMITH

LOPEZ

Deposition of FRANK LOPEZ, called for examination pursuant to notice of deposition, on Wednesday, February 20, 2008, in Washington, DC, at the offices of Manatt Phelps & Phillips, One Metro Center, 700 12th Street, Northwest, Suite 1100, at 9:34 a.m., before CARMEN SMITH, a Notary Public within and for the District of Columbia, when were present on behalf of the respective parties:

JILL M. PIETRINI, ESQ.

ANDREW ELISEEV, ESQ.

Manatt Phelps & Phillips LLP

11355 West Olympic Boulevard

Los Angeles, California 90064

310-312-4384

jpietrini@manatt.com

aeliseev@manatt.com

On behalf of Applicant UNITED STATES

--continued--

LOPEZ

APPEARANCES (Continued):

EDWARD T. COLBERT, ESQ.

ERIK C. KANE, ESQ.

Kenyon & Kenyon LLP

1500 K Street, Northwest

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On behalf of Opposer U.S. CHAMBER OF COMMERCE

LOPEZ

P R O C E E D I N G S

Whereupon,

FRANK LOPEZ

was called as a witness and, having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. PIETRINI:

Q. Can you state your name for the record.

A. Frank Lopez. Francisco actually is my formal name, but I'm known as Frank Lopez.

Q. What is your educational background?

A. My educational background. I had undergraduate studies at City University of New York and some graduate studies at different universities, from Lincoln University in Pennsylvania to Pratt Institute, which is also -- is in Brooklyn, New York, to some executive training courses at places like Harvard Business School.

Q. Are you employed?

A. I am employed, full-time.

Q. By whom?

A. By the United States Hispanic Chamber of Commerce Foundation.

Q. What is your title there?

A. I'm president and CEO.

LOPEZ

Q. During this, because it's a fairly long name, do you mind if I refer to it as "the Foundation"?

A. Sure, that's fine.

Q. How long have you been president and CEO of the Foundation?

A. Since May 20 of 2002.

Q. What are your responsibilities as president and CEO?

A. Well, I'm responsible for all the executive and administrative operational activities of the Foundation. I oversee the execution side of the program, these services, to the core constituents, which include local Hispanic chambers of commerce and affiliated Hispanic businesses.

We work closely with youth-related programs, leadership development activities, with different age groups.

So anything that we do operationally and leadershipwise, managementwise, I oversee. We are a relatively small organization.

Q. How many employees?

A. Right now, we are three.

Q. What's the most number of employees that the Foundation has had?

A. Five.

Q. What's --

A. Full-time.

LOPEZ

Q. What's the address of the Foundation?

A. 2175 K Street, Northwest, Suite 320, and that's Washington, D.C., 20037 ZIP code.

Q. What area of Washington, D.C. is it located in?

A. That's in the Washington University -- right off Washington Circle, which is close to the Foggy Bottom section of Washington, D.C. The northwest.

Q. What is the Foundation?

A. The Foundation is a not-for-profit organization with charitable status, designation from IRS as 501(c)(3) is the legal section under which we fall. And our focus is to provide educational services, capacity-building services and policy and research for the constituents of the national -- of the Hispanic.

Chamber, which are Hispanic chambers across the country that we work with.

We work with young people. So our mission refers to helping chambers and entrepreneurs achieve their aspirations, entrepreneurship aspirations.

Q. You said "capacity-building services." Can you tell us what that means?

A. Sure. Capacity-building for us is focused on the -- helping the local Hispanic chambers develop their infrastructure or operational capability to deliver services

LOPEZ

to their members, their members predominantly being Hispanic businesses. Talking about small business incubation services, microlending services, training services, multibusiness development kind of activities.

Q. Does the Foundation have a mission statement?

A. Yes, it does.

Q. Can you tell us what that is?

A. The mission statement of the Foundation sort of refers to -- I'll give you the essence of it, which is helping entrepreneurs, Latino, Hispanic entrepreneurs, achieve their entrepreneurship aspirations through business development, through growth of their business enterprises.

And we help -- our mission is to help chambers, Hispanic chambers of commerce in particular, increase their footprint and their ability to service increasingly demanding and sophisticated group of Hispanic entrepreneurs in those markets that they represent.

Q. And by "mission statement," how are you defining that term?

A. "Mission" is really a set of objectives, a set of goals, principally objectives that sort of outline what we do, sort of provide the guidance as to what we spend our time -- like a guiding light for us, are those objectives.

Q. How long has the Foundation been in existence?

LOPEZ

A. Foundation has been in existence since April of 1993.

Q. How do you know that?

A. By review of the files and the documentation on record.

Q. What documents did you review?

A. Articles of incorporation, bylaws establishing the Foundation.

Q. As president and CEO of the Foundation, is it part of your responsibilities to know the history of the Foundation?

A. Yes, that's correct.

Q. Why is that?

A. How can I -- to lead an organization, one must know, from my point of view, professionally speaking, the history of it, what was the purpose for which it was established, what were the parameters under which it was created, who created it and what its affiliations were, what its mission was and tie into, like, for example, the Hispanic Chamber.

The Hispanic Chamber created the Foundation back in 1993, as I understand it. Board members of that organization created the Foundation as a means of providing educational services, as a means of providing training opportunities through an organization affiliated with it that had the

LOPEZ

charitable status, in this case the 501(c)(3) status.

Q. You mentioned the United States Hispanic Chamber of Commerce. What is that?

A. The Hispanic -- the United States Hispanic Chamber of Commerce is sort of our creator, our affiliated parent organization, in a way. They -- we function -- all the services that we provide and all the activities that we do are to meet the needs of its members, the members of the Hispanic Chamber, local Hispanic chambers from across the country, approximating about 200 local Hispanic chambers, and all of the Hispanic entrepreneurs affiliated with those chambers across the country. So the Foundation is tied into that.

Our board of directors is comprised of members from the U.S. Hispanic -- the U.S. Hispanic Chamber of Commerce board of directors.

Q. Since that's a long name too, is it okay if we call it "Hispanic Chamber" in this testimony deposition?

A. That's fine.

Q. We'll use brief names.

A. Sure.

Q. How long has the Hispanic Chamber been in existence?

A. It's going into its 29th year.

Q. How do you know that?

A. By review of all the documentation, our annual

LOPEZ

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2 convention magazines. In fact, our convention annually is
3 done in different parts of the country. And this year, all of
4 our marketing materials are identified as the 29th Annual
5 National Convention.

6 So we have historical -- it was created, again, in
7 1979. And I know that because I've reviewed articles of --
8 I've seen and read the articles of incorporation that appear
9 and have appeared in some of the magazines.

10 We did a 25th anniversary magazine for the
11 convention that took place in Austin, Texas that year of the
12 25th anniversary. And in that magazine, in that convention
13 magazine, it included covers and logos and the branding of the
14 organization for the duration. Every year, there was a
15 sequence of the annual convention magazines, at least the
16 covers of it. And it had the articles of incorporation right
17 in there.

18 Q. What does the Hispanic Chamber do?

19 A. The Hispanic Chamber is a trade association. They
20 are focused on advocating on behalf of Hispanic businesses
21 from across the country. They focus on legislative
22 activities, governance issues associated with expanding,
23 procurement opportunity for Hispanic businesses.

24 They build relationships, strategic alliances with
25 different partners and corporations and governments to enhance

LOPEZ

the opportunity for Hispanic businesses to grow and to be successful.

Q. How is it that you know what the Hispanic Chamber does?

A. Well, we work intrinsically together with each other. We are -- we -- for the first -- again, it's almost six years that I've been with the Foundation. Only the last little bit over a year have we had separate offices, in the same building. We collocated our offices throughout that period of time.

And even now, we are in different suites but in the same building, so we're constantly going back and forth to each others' offices. And so we review, I see, I talk to. I mean, I interact with the leadership of the Hispanic Chamber.

The board members that sit on our board, the Foundation board, also sit on the Hispanic Chamber board. So we interact. They provide guidance to me, direction in regards to how to ensure that there's alignment and that we're maximizing our energies, that there's synergy between what we do.

Q. What is the relationship between the Foundation and the Hispanic Chamber, other than that you have the common board members?

A. Well, mission driven. It's pretty much our

LOPEZ

objectives are specifically targeted to provide, as I mentioned, educational services, leadership services, training services for members of the USHCC. And the members of the USHCC are local Hispanic chambers, close to 200 or so that are affiliated from throughout the country.

And Hispanic entrepreneurs, young people, Hispanic -- aspiring Hispanic entrepreneurs are the focus of our attention, because that's the future we see in terms of our community and our opportunities to grow as businesses. So that's principally -- the relationship is along those lines.

I mean, what they advocate on the legislative side is all focused on Hispanic businesses. Everything we do is around Hispanic businesses, enhancing opportunities for Hispanic businesses. So we do that; they do that. We don't seek to duplicate our efforts.

We have limited resources, so we try to be efficient with the allocation and the utilization of those resources. So we coordinate quite closely our activities with each other.

Q. Does the Foundation use a logo with its name?

A. Yes, it does.

Q. Can you describe what the logo looks like?

A. Sure. The logo is two circles. Within the middle, the more prominent, is a letter H, which stands for Hispanic, and there is two figures, people, behind it, one larger than

1 LOPEZ

2 the other. And that we've always interpreted as young people,
3 the smaller person, with the guidance of an adult. So it's
4 like adult entrepreneurs helping young entrepreneurs, Hispanic
5 entrepreneurs, towards the future.

6 It also has the name in the second circle "United
7 States Hispanic Chamber of Commerce Foundation."

8 It has a series of stars around the inside circle on
9 the outside part of the circle. And those stars we've always
10 interpreted as -- not by count, but the stars of the union,
11 the stars of states, the national affiliation that we have.
12 We are a national organization. So it reflects, as in the
13 U.S. flag, the presence of different states that are
14 affiliated with us or chambers from within different states.

15 MS. PIETRINI: I'm going to mark as Applicant's
16 Exhibit 1 a two-page -- two pages of logos, one in color and
17 one in black and white.

18 (Applicant's Exhibit 1 identified.)

19 BY MS. PIETRINI:

20 Q. If you could take a look, Mr. Lopez, at what we've
21 marked as Applicant's Exhibit 1 and tell me if these two pages
22 represent the logo of the Foundation.

23 A. Yes, they do.

24 Q. And is the front one in black and white?

25 A. That's correct, the front one is in black and white.

LOPEZ

Q. Second one is in color?

A. Yes, it is.

Q. Okay. Was the logo in existence at the time that you joined the Foundation in May of 2002?

A. Yes, it was.

Q. Were you aware of the logo before you joined the Foundation?

A. Yes, I had -- I had participated in my previous career or employment, had had the opportunity to participate in activities sponsored by the Foundation and the Hispanic Chamber. So I had attended conventions of the Hispanic Chamber. I had participated and attended -- viewed a youth entrepreneurship training camp that was done by the Foundation.

So in those -- particularly in the year 2001 and prior to just joining the Foundation, the earlier part of 2002, I had attended some activities where the logo was prominently displayed.

Q. And is the logo used in color?

A. Yes.

Q. What are the colors used with that logo?

A. Gold and blue. Blue is the background, and there is some elements of gold in the trimming of the logo.

Q. Okay. And are those colors reflected on the second

LOPEZ

page of Applicant's Exhibit 1?

A. Yes, they are.

Q. All right. And I think you testified that the logo had an H in the middle of it?

A. That's correct.

Q. And your understanding is that the H represents the word "Hispanic"?

A. The word "Hispanic," that's correct.

Q. Okay. And the two people that you identified in the logo, your understanding was it was a representation of young people being helped by adults?

A. That's correct.

Q. Okay. What do you consider to be the most prominent part of the logo?

MR. COLBERT: I'll object to form.

BY MS. PIETRINI:

Q. You can answer.

A. The most prominent part of the logo is the H and the people inside.

Q. Why do you say that?

A. Because that's what is much -- most reflective of our -- of who we represent, who we work to meet their needs or to help them achieve their aspirational goals.

"H" being Hispanic. We are all about Hispanic. I

1 LOPEZ

2 mean, there's no question about it. Everywhere you turn, at
3 least this here, the H is clearly identifiable with the
4 Hispanic population and the Hispanic businesses.

5 And the people, and the young people from the
6 Foundation, form a view -- we have spent a significant amount
7 of our efforts throughout my tenure and before, as I
8 understand, has been focused on providing entrepreneurship
9 training to Hispanic young people.

10 MR. COLBERT: I'll object to foundation.

11 BY MS. PIETRINI:

12 Q. Has the Foundation ever used that prominent part of
13 the logo alone?

14 A. Yes, it has.

15 Q. Can you describe that for us?

16 A. Sure. Without the stars, just the people and the H
17 has been used in brochures. There's a brochure that was
18 prominently used the earlier part of my tenure that was
19 printed and distributed widely between 2001 and 2002 that had
20 the H with the two people.

21 My predecessor was identified in that brochure as
22 well, the previous president of the Foundation.

23 MS. PIETRINI: I'd like to mark as Applicant's
24 Exhibit 2 a document we produced bearing production number H
25 02852 through 2865.

LOPEZ

(Applicant's Exhibit 2 identified.)

BY MS. PIETRINI:

Q. Can you take a look at this document and tell me if you recognize it.

A. Yes, I do.

Q. What is this?

A. This is a brochure describing the Foundation and its -- with a message from the president and describing the mission, the goal and the investment opportunities. It was something that was done to market and to attract funds to help us meet our mission. It was --

MR. COLBERT: I'll -- I'm sorry. I object to lack of foundation.

MS. PIETRINI: I'm getting there.

BY MS. PIETRINI:

Q. Was this document part of the records that you reviewed when you joined the Foundation?

A. Yes.

Q. And is it the regular practice of the Foundation to create brochures such as the one that we've marked as Exhibit 2?

A. Yes.

Q. And can you take a look at the second page of Exhibit 2 and tell me if this is the brochure you were

1 LOPEZ

2 referring to where the prominent part of the logo was used
3 alone?

4 A. Yes, it is.

5 Q. Do you know what the date of this brochure is?

6 A. This brochure was in use the year 2001 and the year
7 2002.

8 Q. How do you know that?

9 A. Because it was printed in the year 2001 and used
10 during the convention that was held by the Hispanic Chamber
11 and the Foundation in Atlanta, Georgia, 2001, just after 9/11.
12 And it was distributed at that convention.

13 And it was available as I was employed -- as I
14 initially was employed in May of 2002. There were boxes that
15 had been received from the printer that I used for sake of
16 promoting the Foundation. So this brochure was prominently
17 used during that period of time.

18 Subsequently, we made changes and used other
19 brochures, because this one had the picture of the previous
20 president, and, obviously, me being new and assuming the role
21 that she had, she -- I didn't look as pretty as her.

22 (Laughter.)

23 But there was a difference.

24 Q. Who was -- who did you distribute this brochure to?

25 A. This was distributed widely to all corporate

LOPEZ

partners, foundations, Hispanic businessowners, local Hispanic chambers, to participants of our national convention, Hispanic entrepreneurs, to youngsters, Hispanic youngsters that participated in our youth entrepreneurship activities.

Q. How was this distributed? I mean, how did it get to these people?

A. Well, it was distributed either through mail-outs that we did, that we did directly, and it was distributed at the convention, at tables. It was part of the registration packets that were provided to all of the registrants of the convention.

When you register for one of your conventions, there is a registration packet with the logos and materials from different partners and entities and programs that we do, and this was one that was standard at that time to use, to include.

Q. Was this brochure also featured on -- let me back up.

Does the Foundation also have a Web site?

A. Yes, it does.

Q. What's the URL?

A. Ushccfoundation.org.

Q. Does the Hispanic Chamber have a Web site?

A. Yes, it does.

LOPEZ

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Q. What's the URL?

A. Ushcc.com.

Q. Did this brochure appear on the Foundation's Web site?

A. Yes, it did.

Q. And did this brochure appear on the Hispanic Chamber Web site?

A. Through links, yes, it did.

Q. And by "links," links between --

A. Between the USH -- the National -- the Hispanic Chamber and the Foundation. So the sites were linked to each other, so you could go -- it demonstrated our affiliation and connection with each other.

Q. Is the logo used on this brochure that we've marked as Exhibit 2?

A. Yes.

Q. Is it used throughout the brochure?

A. It is used -- the logo is used in many parts of the brochure, in addition to the center part of the logo, the H and the two individuals.

Q. Is this Exhibit 2 that we've marked an example of the types of uses of the Foundation's logo that have been made on the Foundation's brochures?

A. Yes.

LOPEZ

Q. What types of things or materials -- what types of things or other materials does the Foundation use its logo on?

A. We use the logo in everything that we do, from our business card, my business card, our staff business card, board members who receive business cards, our letterhead. It appears on our Web site. It appears on advertising and ads that we have done.

It appears in banners that we have done for events, for training. It appears on video clips that we have produced. It has appeared on Hispanics Today, which is a nationally syndicated television show that is owned by the Hispanic Chamber.

So every -- in press releases, on E-blasts that we do promoting events or activities or policy decisions of the Foundation. It is widely used. Anything and everything that we do will have the Foundation logo on it.

Q. When you say "E-blast," what is that?

A. E-blast is a form of electronic distribution of information. We have a mailing list -- an e-mail distribution list of approximately 40,000 names that we communicate with and inform -- keep them abreast of events, of activities that we are sponsoring or promoting.

So we do these graphically designed newsletters, and that is distributed electronically to that group. And we do

1 LOPEZ

2 it through what is referred to in the business as E-blast.

3 Q. In your office on K Street, are there any signs?

4 A. Yes, there are signs on the doors, on the entrance
5 to the Hispanic Chamber office, to our suite. The logo is
6 displayed on the door, behind the door. It is widely
7 displayed throughout. Inside the office on the wall we have
8 the logo in many locations. On magazine covers, the
9 Networking quarterly magazine and newsletters that we have
10 done, on proposals that we do.

11 Again, everything that we have -- that we do
12 intended for the public or even internal or for activities is
13 identified clearly with the logo of the Foundation.

14 Q. Is the logo used on the Foundation's Web site?

15 A. Yes, it is.

16 Q. Is it used on any Web site other than the
17 Foundation's Web site?

18 A. Yes, it is. It has appeared and it continues to
19 appear in a number of work -- Web sites of foundations that
20 have provided us grants. Visa, for example, has a Foundation
21 logo listed in relationship to some of its philanthropic
22 activities.

23 Places like FedEx, on their Web site, Ford Motor
24 Company and a number of other foundations, philanthropic
25 entities that have provided us with grants, list us as

LOPEZ

grantees affiliated -- or groups that we are affiliated with that are involved with financial literacy here in Washington.

There's a coalition, a JumpStart coalition, that has just about all of the financial institutions across the country belong to it. Many organizations like the Foundation are part of it, and we are listed as a member of that organization, with our logo, with a link to our Web site.

Q. The materials that are produced by the Foundation that you've identified, the brochure and the Web site and the various other written materials, is the logo consistently used on those materials?

A. Consistently used across all of our materials.

Q. Okay. And do you look at the Foundation's Web site?

A. Yes.

Q. How often?

A. Every day. I mean, in my office computer, it's the default page, when I start it up every day, and all of the staff members, the few staff members that we have, is Foundation Web site.

Q. Do you approve or review the content on the Foundation's Web site?

A. Yes, I do. I wear many hats. With a small staff of three, we don't have -- I am a Webmaster; I am a writer.

Q. Do you look at the Hispanic Chamber Web site?

LOPEZ

A. Yes, I do.

Q. How often?

A. A few times a week. Two or three times a week at least, at a minimum.

Q. Does the Hispanic Chamber's Web site have navigation pages?

A. Yes.

MR. COLBERT: I'll object to lack of foundation.

BY MS. PIETRINI:

Q. Can you describe what a navigation page is?

A. On the top of many Web sites, in the case of the Hispanic Chamber, as in the case of the Foundation, there is the categories of pages of information that are within the Web site that you could jump to.

So it's different -- it's like a tree with branches, and you sort of go from one branch to another, smaller branches, and you navigate within the Web site to the different types of categories of information that exists.

Q. How do you know what a navigation page is?

A. Well, I'm fluent in technology, in a sense. I haven't worked in the technology and telecommunications field. So it is normally in the industry known. A navigational page is known or navigational bars are known as such, as ways of navigating within a Web site, which is a compilation of

1 LOPEZ

2 different pages, like a book, and having the table of
3 contents. The navigation sort of becomes like the table of
4 contents. You can go to see what the major categories are.
5 You can click in and bypass other pages to get to something
6 that you might be interested in finding.

7 Q. Does the Foundation's logo appear on each navigation
8 page of its Web site?

9 A. Yes, yes.

10 MR. COLBERT: Could you repeat the question and the
11 answer? I couldn't quite make them out.

12 (The reporter read the record as requested.)

13 MS. PIETRINI: Let's mark as Applicant's Exhibit 3 a
14 one-page document marked as H -- or produced as H 07230.

15 We can -- this is his business card. I'm just going
16 to attach an original to it as well, since it sort of sits by
17 itself.

18 (Applicant's Exhibit 3 identified.)

19 BY MS. PIETRINI:

20 Q. Okay. Can you take a look at what we've marked as
21 Applicant's Exhibit 3 and tell us what that is?

22 A. It is my business card, a copy of it in black and
23 white and the original or an actual business card, in color.

24 Q. Okay. And the business card that is reflected in
25 Applicant's Exhibit 3, does it have the Foundation's logo?

LOPEZ

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2 A. Yes, it does.

3 Q. Has your business card always had the Foundation's
4 logo on it?

5 A. Yes, it has.

6 Q. Do all the people that are issued business cards for
7 the Foundation have logos on their business cards?

8 A. Yes, they do. It is a standard template that we
9 use.

10 MS. PIETRINI: Let's mark as Applicant's Exhibit 4 a
11 document produced as H 07239 through 7266, a URL of
12 ushccfoundation.org.

13 (Applicant's Exhibit 4 identified.)

14 BY MS. PIETRINI:

15 Q. Can you take a look at what we've marked as
16 Applicant's Exhibit 4 and tell us what that is?

17 A. That is the front page of our Web site and all of
18 the -- there's a good representation of all of the pages of
19 the Web site in here of the U.S. -- of the Foundation.

20 Q. The Foundation's Web site.

21 A. Yes.

22 Q. Okay. And does the logo appear on the homepage of
23 the Foundation's Web site?

24 A. Yes, it does.

25 Q. Is the homepage reflected on page 1 of Exhibit 4?

LOPEZ

A. Yes, it is.

Q. And this is -- is this the Web site that you approve or review the content of?

A. Yes, I do. Yes, it is.

Q. Does the logo appear throughout the Foundation's Web site?

A. Yes.

Q. What's the purpose of the Foundation's Web site?

A. To inform people about our activities and our mission, our objectives, to highlight the different initiatives and resources that are available through our organization or through our partnerships and through our efforts.

So it is a fairly comprehensive place for illustrating and demonstrating everything that we do.

There is a substantive kind of series of video clips as well that are available through our Web site. It is very video rich. We have video-on-demand capabilities through the Web site. And many of our -- of the activities that we have sponsored or promoted or performed over the last number of years are captured in video, and the video is digitized and placed on our Web site.

Q. Is the Foundation's Web site open to the public?

A. Yes, it is.

LOPEZ

Q. Do you consider the Foundation's Web site a form of advertisement for the Foundation?

A. Yes.

Q. Does the Hispanic Chamber's Web site feature the Foundation's logo?

A. Yes, it does.

Q. Why is that?

A. Because we're affiliated.

MS. PIETRINI: Let's mark as Applicant's Exhibit 5 a document produced as H 02045 through H 02147.

(Applicant's Exhibit 5 identified.)

BY MS. PIETRINI:

Q. All right. Can you take a look at what we've marked as Applicant's Exhibit 5 and tell us what this is?

A. This is the Hispanic Chamber's Web site, the front page, and the pages within the Web site.

MR. COLBERT: I'll object to foundation.

BY MS. PIETRINI:

Q. Is there any sections on the Hispanic Chamber's Web site that refer to the Foundation?

A. Yes. Right up front, you see on the right-hand side, under "viewer feedback," there's a link directly to our Web site.

Q. Have you ever written any materials that appeared on

LOPEZ

the Hispanic Chamber's Web site for the Foundation?

A. Yes.

Q. Do you consider the Web site of the Hispanic Chamber as a form of advertisement for the Foundation?

A. Yes.

MS. PIETRINI: I'd like to mark as Applicant's Exhibit 6 a document produced as H 02402 through 2403.

(Applicant's Exhibit 6 identified.)

BY MS. PIETRINI:

Q. Can you take a look at this document and tell us if you recognize this?

A. Yes, I do.

Q. Tell us -- can you tell us what it is?

A. Yes. It's a copy of a press release of a program administered by the USH -- by the Foundation, USHCC Foundation, in partnership with Altria, a scholarship program for chamber executives. And it announces the chamber executives that were awarded the scholarships under that program.

Q. Where did this press release appear?

A. It appeared on the Chamber's -- Hispanic Chamber's Web site.

Q. Is this something that you approved to appear on the Hispanic Chamber Web site?

LOPEZ

A. Yes.

MS. PIETRINI: Let's mark as Exhibit 7 a document produced as H 02440 through H 02442.

(Applicant's Exhibit 7 identified.)

BY MS. PIETRINI:

Q. All right. Can you take a look at this and tell us if you recognize this document?

A. Yes, I recognize it.

Q. Can you tell us what it is?

A. It is a description that appears on the Hispanic Chamber's Web site of a program, an internship program, that we did with Avis Rent-a-Car.

MR. COLBERT: I'll object to foundation.

BY MS. PIETRINI:

Q. What is the program that is identified in Exhibit 7?

A. It is an internship program with Avis. Our role involved -- and it was a recruitment, but specifically scholarship program. It provided scholarships.

And we managed the application, the recruitment process for scholarship recipients and the selection process and then worked with Avis to award those scholarships and to also have those students participate in career tracks within Avis targeted for Hispanics.

Q. When you say "we," are you referring to the

LOPEZ

Foundation?

A. The Foundation, yes.

Q. Did the Foundation administer the Avis scholarship?

A. Yes, we did.

Q. Can you define what you mean by administer it?

A. We received the funds. We managed the promotion of it, the development of the text and marketing material that was sent out and distributed. We did the mail-out of applications. Everything to do with the recruitment of applicants and the marketing of the opportunity, the scholarship, to Hispanic students, we did.

Q. On the left-hand side of the first page of Exhibit 7, does that -- is that the Foundation's logo?

A. Yes, it is.

Q. And up in the upper right-hand corner, there's another logo. Do you see that?

A. Yes.

Q. Whose logo is that?

A. That is of the Hispanic Chamber.

Q. Did you approve this -- I hate to call it a story. Did you approve this blurb about the Avis scholarship on the Hispanic Chamber's Web site?

A. Yes.

MS. PIETRINI: I'd like to mark as Applicant's

LOPEZ

Exhibit 8 a document produced as H 02508 through H 2509.

(Applicant's Exhibit 8 identified.)

BY MS. PIETRINI:

Q. Can you tell us if you recognize the document we've marked as Applicant's Exhibit 8.

A. Yes, I recognize it.

Q. Can you tell us what it is?

A. It is a press release of the election of the vice chair of the Hispanic Chamber, vice chair of the board of directors.

MR. COLBERT: Object to lack of foundation.

BY MS. PIETRINI:

Q. Do you know who the vice chair is?

A. Yes, I know. I do.

Q. What's his name?

A. Hector Barreto.

Q. Do you know him personally?

A. I have met him personally. I do know him personally, yes.

Q. When he was --

A. He's a -- subsequent to this, he became the administrator of the Small Business Administration in the Bush era, during the Bush administration.

Q. And were you aware of him at the time that he was

1 LOPEZ

2 elected vice president of the Hispanic Chamber?

3 A. Vice chairman of the Hispanic Chamber. I was
4 aware -- this was before my tenure as president and CEO of the
5 Foundation.

6 Q. Did you know him before that?

7 A. Yes, I had met him.

8 Q. Okay. And looking at the left-hand side of Exhibit
9 8, does that feature the Foundation's logo?

10 A. Yes, it does.

11 Q. Do you know if this page is still up on the Hispanic
12 Chamber's Web site?

13 A. I believe it's still active, yes.

14 MS. PIETRINI: I would like to mark as Applicant's
15 Exhibit 9 a document produced H 02510 through H 02512.

16 (Applicant's Exhibit 9 identified.)

17 BY MS. PIETRINI:

18 Q. Can you take a look at this and tell us if you
19 recognize this.

20 A. Yes, I do.

21 Q. Can you tell us what it is?

22 A. It is a salute to Latina entrepreneurs, Hispanic
23 entrepreneurs, female, done by Avon. And it describes a
24 keynote address done by Mary Tyler Moore.

25 MR. COLBERT: Object to lack of foundation.

LOPEZ

BY MS. PIETRINI:

Q. Does this document that we've marked as Applicant's Exhibit 9 reflect the Foundation logo?

A. Yes, it does.

Q. Where does this document appear?

A. On the Web site of the Hispanic Chamber.

Q. Do you know if it still is there today?

A. I believe it's still active, yes.

MS. PIETRINI: Let's mark as Applicant's Exhibit 10 a document produced as H 02157 through 2168, and it's entitled "17th Annual Legislative Conference."

(Applicant's Exhibit 10 identified.)

BY MS. PIETRINI:

Q. Take a look at that document and tell us what it is.

A. It is a copy of the brochure for the legislative conference that we sponsored last March, 2007, in Washington, D.C.

Q. And by "we," you're referring to who?

A. To the Hispanic Chamber and the Foundation.

Q. All right. Does the logo of the Foundation appear on this document?

A. Yes, it does.

Q. And you referred to this as a brochure; right?

A. As a brochure, a sponsorship brochure.

LOPEZ

Q. Okay. And if you look at page 2 of the document, in the lower right-hand corner, that appears to be your signature?

A. That's correct.

Q. Who was this brochure distributed to?

A. This brochure was distributed to corporate contributors, foundations, participants that we were targeting to attract to the legislative conference, to legislative officials in Washington and throughout the country.

Q. Was this brochure prepared in the regular course of the Foundation's business?

A. Yes, it was.

Q. Did you approve the content of it?

A. I approved the content that related to the Foundation, correct.

Q. Okay. And you said that it was distributed to foundations. What did you mean by that?

A. By philanthropic organizations that provide grants for the kinds of activities and the mission that we focused on, educational, training activities, policy discussions, research. There are a number of national philanthropic organizations that are independent of corporations, and some of them are linked to corporations. And we distributed it to a major list of that category.

LOPEZ

Q. Did the Foundation also distribute this brochure to any businesses?

A. Yes, to Hispanic businesses, predominantly Hispanic businesses. Our audience, the attendance that we have at these annual legislative conferences, are predominantly that of Hispanic businesses.

Q. Was this brochure marked as Applicant's Exhibit 10 distributed to any local chambers of commerce?

A. Yes. All of the local chambers that were -- that are affiliated with us received this brochure. Any brochure that we produce, we send it to them.

Q. How are the local chambers affiliated with the Foundation?

A. They are affiliated with us through the membership with the national chamber. In other words, we will provide services or focus our energies to members of the national chamber. And one category of membership that is in place is local Hispanic chambers.

So that group of close to 200 local Hispanic chambers that is affiliated with them, with the national chamber, is a group that we focus our energies when it comes to education, with training and capacity building, policy development and the rest.

Q. This was what year?

LOPEZ

A. This was the year 2007, March 5 through 7, 2007.
Last year.

Q. Where was the legislative conference held that year?

A. In Washington, D.C. at the Ronald Reagan Building
International Trade Center here in Washington, D.C.

Q. Where is that located in Washington, D.C.?

A. It is located off 14th Street and Pennsylvania
Avenue. 14, 13th Street and Pennsylvania Avenue.

Q. Is that pretty close to the White House?

A. It is very close to the White House.

Q. Has the Foundation ever used the phrase "spirit of
enterprise" in its logo?

A. No, we have not.

Q. Has the Foundation ever used the word "spirit" in
its logo?

A. No, we have not.

Q. Has the Foundation ever used the word "enterprise"
in its logo?

A. No, we have not.

Q. Do you believe the Foundation's logo is recognized
as being associated with the Foundation?

A. Yes, I do.

Q. Why is that?

A. Because it is in everything that we do, in our Web

LOPEZ

site. It's -- everything that we do, events with large numbers of people, with small numbers of people. It is on everything that we do. So it is recognized by those that are affiliated with us and those that attend our activities as being reflective of the Foundation.

Q. Does the Foundation offer charitable fund-raising services?

A. We help the chambers engage in revenue-generating strategies so that they can deliver educational, leadership, development training type services. So we do work with our local chambers around fund-raising strategies.

Q. Does the Foundation also do fund-raising activities for itself?

A. Yes, it does.

Q. What types of activities does it do?

A. Our national convention is a major fundraiser for us. Golf tournament we've done. We've done a dinner -- dedicated dinners to promote the Foundation and our students.

We have done raffles. We have done a number of things of that nature. We have raffled cars that have been donated to us. GM was one that has -- for a number of years has donated a car to us, and we raffle it off. And the proceeds are to benefit our activities, youth entrepreneurship specifically.

LOPEZ

Q. The Foundation does educational and training services too?

A. Predominantly, yes.

Q. And for the charitable fund-raising that you do, both for yourself and -- or for the Foundation and for the local chambers, is the Foundation's logo used?

A. Yes.

Q. How is it used?

A. It is used -- prominently displayed on all of our materials. Whatever marketing, banners we produce for those activities, it's -- it's very prominently displayed in everything that we do for those activities.

And we have -- if you visit ushccfoundationtv.org, which is where we have most of our online video clips, you will see many of our events, including a number of the fund-raising-specific activities that we do, there with the logo displayed everywhere you can see it.

Q. Are the educational and training services targeted to any particular type of business or individual?

A. Hispanic businesses. All of what we do is targeted to Hispanic businesses, Hispanic -- young people, Hispanic -- aspiring Hispanic entrepreneurs, students, high school students, college students.

Q. When you say "Hispanic businesses," what do you

LOPEZ

mean?

A. I mean Hispanic businesses -- what I mean by "Hispanic businesses" are businesses that are owned at least 51 percent by a Hispanic person, male or female.

Q. Does the Foundation target Hispanic entrepreneurs?

A. Yes.

Q. How would you define a Hispanic entrepreneur?

A. Either those that own a business or are aspiring to start a business. So if they have Hispanic background, national origin or by self-identification or by the criteria used by the U.S. Department of -- the United States, either IRS or Department of the Census and many federal agencies and state agencies defined as Hispanic, they -- those persons are the ones -- that are aspiring to own a business or that own a business are the ones that we categorize as Hispanic entrepreneurs.

Q. Are the charitable fund-raising services offered by the Foundation directed to any particular type of business or individual?

A. Yes, to Hispanic businesses and Hispanic individuals.

Q. How does the Foundation target Hispanic businesses and Hispanic entrepreneurs?

A. We work closely with our local Hispanic chambers of

LOPEZ

commerce. That is our footprint, so to speak. You know, we have -- that affiliation puts us in all the major Hispanic consumer and business centers across the country. And all of the states -- we're just about in every state. Probably I would say somewhere in the neighborhood of maybe six or seven states that do not -- that I do not know them to have a Hispanic Chamber. But everywhere else of the 50 states or so include Hispanic local chambers.

Q. Does the Foundation's promotional material reflect those efforts to target Hispanic businesses and Hispanic entrepreneurs?

A. Yes, they do.

Q. How is that?

A. By direct name. We seek Hispanic businesses. We target the efforts and participation in these activities that we do or efforts that we undertake for Hispanic businesses. It's clearly stated in all of our documentation, all of our press releases, on our Web site and everything that we produce. It's clearly identified and targeted to Hispanic entrepreneurs or aspiring entrepreneurs.

Q. Does the Foundation's Web site reflect the efforts to target Hispanic businesses and Hispanic entrepreneurs?

A. Yes.

Q. How does it do that?

LOPEZ

A. It does it by identifying specific mission, by identifying objective, by highlighting all of the different initiatives that we undertake in partnership with some of our funders. And it all describes and focuses specifically on Hispanics, Hispanic -- that word is used throughout all of our documents.

Q. How does the Foundation go about marketing its services to Hispanic businesses and Hispanic entrepreneurs?

A. Again, in addition to what we do with our local chambers, we do publications that are targeted to that group. We advertise in magazines. We do it in all forms of media.

We do press releases on promoting activities or events where we want Hispanic businessowners to participate in. And all of our correspondence to leaders and different organizations that we seek to get involved with us or to partner with us is all around them helping us reach an audience of Hispanic entrepreneurs that they may know of.

And so we work with corporations, seeking to identify Hispanic vendors, Hispanic businessowners. And so they help us identify those that have been successful in doing things with them.

We profile them in our materials, in our video-capturing activities, in our nationally-syndicated show. The show is seen weekly across the country, in over 150

LOPEZ

markets. And that show is all focused on promoting profiles, good stories, successful stories of Hispanic entrepreneurs in different industry.

Q. Is the Foundation's logo used on the materials for the Foundation's marketing efforts?

A. Yes.

Q. Is it always used on those materials?

A. Always used, yes.

MS. PIETRINI: Let's mark as Exhibit 11 a document referred to as "Networking, Spring 2005," produced as H 02269 through 2296.

(Applicant's Exhibit 11 identified.)

BY MS. PIETRINI:

Q. Can you take a look at Applicant's Exhibit 11 and tell us if you recognize that document.

A. Yes, I do.

Q. Can you tell us what it is?

A. It is a news -- or publication, like a magazine, that is produced by the Hispanic Chamber as closely as possible to quarterly as it can.

Q. Is the Foundation featured in this magazine?

A. Yes, it is.

Q. How long has the Hispanic Chamber had this publication called "Networking"?

LOPEZ

MR. COLBERT: Object to foundation.

THE WITNESS: This publication, I recall it being in place even when I started almost six years ago.

BY MS. PIETRINI:

Q. Do you know where the Networking magazine is distributed?

A. It is distributed through mail, through members, meaning local chambers. It is also distributed at our different events, including our legislative conference, our convention. And it is distributed electronically through our Web site, the Hispanic Chamber's Web site specifically.

Q. This publication Networking is available on the Hispanic Chamber Web site?

A. That's correct.

Q. And if you look at -- it's a document marked as H 02273. Do you see that?

A. Yes.

Q. Is that a picture of you on the left-hand corner?

A. Yes, it is.

Q. Okay. And is that your signature down in the bottom right-hand corner?

A. That is my signature.

Q. Is that the Foundation's logo in the upper right-hand corner?

LOPEZ

A. Yes, it is.

Q. Are there other references to the Foundation in this "Networking Spring 2005" issue?

A. Yes, yes, there is.

Q. If you look at what's been marked as H 02276, do you see that page?

A. Yes.

Q. Can you tell us what that page reflects?

A. This is a page that reflects promoting the convention, the 26th Annual National Convention and Business Expo, that took place in September of 2005 in Milwaukee, Wisconsin. And it has the logo of the Foundation on it.

Q. Okay. And is this a convention of the Foundation or of something else?

A. It is a convention of the Chamber, which we as an affiliate entity participate in. We do a series of training events and training activities at the convention -- at each convention, including certainly this one.

Q. And if you'd look at page H 02290 of what we've marked as Exhibit 11, when you find that, can you tell us what that reflects, that page?

A. Which page is this now?

Q. 2290.

A. Yes, I am familiar with this.

LOPEZ

Q. Can you tell us what that is?

A. This is an article or description of an effort that we have undertaken, with the support of the Verizon Foundation on technology, technology for business success.

And this was a project that we did with support from the Verizon Foundation, "we" meaning the Foundation, Hispanic Foundation. We did it with the financial support of the Verizon Foundation. It was targeted to provide technology solutions and strategies for Hispanic businessowners and local chambers.

Q. Did you approve the content of this article for Networking 2005?

A. Yes, I composed most of it.

Q. And then if you'd look at page 2292 of Exhibit 11, can you tell us what that is?

A. This is another article that describes a project that we did, the Foundation did, in collaboration with BMW and the U.S. Department of Labor. It has a quote from the Secretary of the U.S. Department of Labor on the top left -- the left corner.

Q. And were you involved in approving or writing the content for this article in "Networking Spring 2005"?

A. Yes, I was.

Q. How were you involved?

LOPEZ

A. I was involved in the writing of the article, the drafting of it and the final approval of it.

Q. If you look at the last page of Exhibit 11, which is 2296.

A. Yes.

Q. Does the Foundation's logo appear on that page?

A. Yes, it does.

Q. Okay. And does it reflect the address of the Hispanic Chamber or the Foundation?

A. Yes, it does. At that time, we were collocated in the same suite.

MS. PIETRINI: We're going to mark as Applicant's Exhibit 12 a document produced as H 2297 through 2312, and it's entitled "Networking Spring 2004."

(Applicant's Exhibit 12 identified.)

BY MS. PIETRINI:

Q. Okay. Can you take a look at that document and tell us if you recognize it.

A. Yes, I do.

Q. Can you tell us what it is?

A. It is another edition of the Networking quarterly newsletter.

MR. COLBERT: Same continuing objection.

BY MS. PIETRINI:

LOPEZ

Q. You can finish your answer.

A. Yes, it is the Networking newsletter, and it has President Bush, who addressed our legislative conference, a picture of him while doing his address. And it has the logo. It includes the logo of the Foundation.

Q. And if you look at the second page marked as 2298, and it identifies -- has a listing for staff. Are you identified in that group of people?

A. Yes, I am.

Q. Does that page 2298 also reflect the logo of the Foundation?

A. Yes, it does.

Q. Was President Bush -- let me back up.

Did President Bush speak at the legislative conference in 2004?

A. Yes, he did.

Q. Did he speak live?

A. Yes, he did.

Q. Was that well attended?

A. It was standing room only.

Q. Was that legislative conference directed to Hispanic businesses and Hispanic entrepreneurs?

A. Yes, it was.

Q. And if you look on page 2304.

LOPEZ

A. Yes.

Q. Is that a picture of you in the upper right-hand corner?

A. That is me, yep, with Senator Paul Feliciano from Kansas.

Q. Is Mr. Feliciano Hispanic?

A. Yes, he is.

Q. How do you know that?

A. I know him personally. He happens to be also one of the founders of the National Caucus of Hispanic State Legislators, which is an organization of legislators, state legislators, from across the country, Hispanic state legislators from across the country.

Q. If you look at page 2306 of Exhibit 12, lower left-hand corner.

A. Yes.

Q. Can you tell us what that represents?

A. That's an ad of the Foundation, a donation -- to support the mission of the USHCC Foundation ad.

Q. Does the logo appear on that advertisement?

A. Yes, it does.

Q. Is it common for the Foundation to place advertisements in the Networking magazine?

A. Yes, it is.

1 LOPEZ

2 Q. Does a logo always appear in those advertisements?

3 A. Yes, it does.

4 MS. PIETRINI: Let's mark as Applicant's Exhibit 13
5 a document entitled "Networking Summer 2003," produced as
6 document H 02333 through 2360.

7 (Applicant's Exhibit 13 identified.)

8 BY MS. PIETRINI:

9 Q. Do you recognize this document?

10 A. Yes, I do. It's another version of -- another
11 edition of the "Networking" quarterly magazine or newsletter
12 of the Hispanic Chamber.

13 Q. Is the Foundation identified on or in the
14 "Networking" newsletter that we've marked as Exhibit 13?

15 A. Yes, it is.

16 Q. Okay. And is it identified on the first page?

17 A. Yes, it is, and the cover.

18 Q. On the second page, 2334, there is again a list of
19 staff. Are you identified?

20 A. Yes, I am.

21 Q. Are you identified in all of the issues of
22 "Networking" since you've been employed by the Foundation?

23 A. I believe I have, yeah.

24 Q. And if you look at page 2335 of Exhibit 13, does the
25 Foundation's logo appear on that page?

LOPEZ

A. Yes, it does.

Q. Can you take a look at page 2343.

A. Okay.

Q. Can you tell us what that is?

A. This is an inserted section of the "Networking" magazine that we -- that is of the Foundation. There's a series of pages that follow that we were able to extract and print on its own. But it is a section completely within the "Networking" magazine on the Foundation.

Q. Did you approve that being placed in the "Networking Spring 2003" issue?

A. Yes, I did.

Q. Does the logo appear on that insert?

A. Throughout, yes.

Q. And on the page 2344, there is a message from the executive director. Do you see that?

A. Yes.

Q. Is that a message from you?

A. Yes, it is.

Q. Is that your signature?

A. That is my signature.

Q. Is that your picture?

A. That is my picture.

Q. And does the logo appear on that page?

LOPEZ

A. It does.

Q. And if you look on page 2349 --

A. Yes.

Q. -- does the Foundation's logo appear on that page?

A. Yes, it does.

Q. Is there a picture of you on that page?

A. Yes, there is. It's a press conference at the National Press Club.

Q. Press conference at the National Press Club?

A. Yes, that's correct.

Q. What was that for?

A. That was announcing Partners in Education. It was an initiative with the White House. "White House Initiative on Educational Excellence for Hispanic Americans" is the name of the office. And there were a number of partners that came together, including the U.S. Army, and the lower ones that are listed here. Ford -- many of the -- most of the major Hispanic organizations, national organizations, based here in Washington, D.C.

And we became part of this partnership that we spearheaded. The Foundation spearheaded the development of this partnership to promote closing the achievement gap for Hispanic students.

Q. And this initiative, that was from the White House?

LOPEZ

A. That was -- it included the White House. We worked directly with the White House, and that office was acting on behalf of the White House.

Q. Did that office have a Web site promoting this initiative?

A. Yes, they did.

Q. Was the Foundation featured on that Web site?

A. Yes, it was.

Q. Do you recall what the URL was for that Web site?

A. I don't recall. I would have to -- I mean, it was White House, and somehow within the White House there was links. But I would have to go back and see if it's still active.

Q. Okay. Did the Foundation's logo appear on that Web site?

A. Yes.

Q. And if you look at the next page -- let me back up. That initiative was directed specifically for Hispanics; correct?

A. For Hispanics, specifically for Hispanics.

Q. Okay. And then if you look at page 2350 --

A. Yes.

Q. -- the top section, can you tell us what that is?

A. That's an ad for the Third Annual Golf Classic,

LOPEZ

1 tournament of the Foundation that took place in September 2003
2 in Phoenix, Arizona.

3 Q. Did you attend that golf tournament?

4 A. Yes, yes, I did. I worked it.

5 Q. Does the advertisement feature the Foundation's
6 logo?

7 A. Yes, it does.

8 Q. Did the golf tournament in Arizona feature the
9 Foundation's logo?

10 A. Yes.

11 Q. And then looking underneath the advertisement, there
12 is something that says "youth and career pavilion." Can you
13 tell us what that is?

14 A. Yes. As a part of the convention every year, and in
15 this particular year, 2003, include -- in this case, it
16 included a pavilion, a section of the expo floor of the
17 convention -- we do a major exhibit at every convention.

18 In this case, over 200,000 square foot of space at
19 the convention center in Phoenix was dedicated for this
20 business expo, of which a portion that was approximately 70
21 exhibitors, this section within the expo was dedicated for
22 youth and career activities.

23 And exhibitors that were looking to work -- or
24 attract Hispanic students, a lot of universities, scholarship
25

1 LOPEZ

2 organizations that were looking to provide information to
3 Hispanic students and career employers looking for Hispanic
4 employees were the target of that exhibit pavilion.

5 Q. How do you know that those -- that they were people
6 looking for Hispanic employees?

7 A. Because they were appealing to us to establish that
8 pavilion so they could reach the audience that we would
9 attract to the convention. They wanted access to it, and we
10 sort of provided and facilitated that through the
11 establishment of this pavilion.

12 Q. Does the logo appear on this advertisement for the
13 youth and career pavilion?

14 A. Yes, it does.

15 Q. Are you identified at all in this advertisement?

16 A. Yes, I am.

17 Q. Can you tell us where you're identified?

18 A. I'm identified by name with an e-mail address on the
19 bottom side of that picture within that ad.

20 MS. PIETRINI: I would like to mark as Applicant's
21 Exhibit 14 a document produced as H 02881 through H 02884.

22 (Applicant's Exhibit 14 identified.)

23 BY MS. PIETRINI:

24 Q. And can you tell us if you recognize this document?

25 A. Yes, I do.

1 LOPEZ

2 Q. Can you tell us what it is?

3 A. It is a brochure, a small brochure that we use,
4 developed at least in 2000, right after 2003, the convention
5 in 2003, and that we have used to promote the Foundation and
6 to seek support -- funding support from different
7 philanthropic entities and individuals. It's a fund-raising
8 brochure of the Foundation.

9 Q. Does the Foundation's logo appear on the brochure?

10 A. Yes, it does.

11 Q. Who is this brochure distributed to?

12 A. It was distributed to many philanthropic
13 organizations that we identified as having a mission to
14 support the development and education of Hispanic young
15 people.

16 Q. How was it distributed?

17 A. It was distributed by mail. It was distributed
18 through the conventions and activities of the Foundation and
19 the Chamber. It was included in the registration packets that
20 we distribute at our events, convention, legislative and other
21 training events that we do throughout the year.

22 And it was mailed out to all of the local Hispanic
23 chambers. It was mailed out to colleges and universities but
24 particularly to corporations and the philanthropic arms of
25 corporations, in addition to foundations that are not

LOPEZ

affiliated with corporations.

Q. And if you look at page 2883 of Exhibit 14, can you describe for us what this is?

A. Excuse me? I didn't hear you.

Q. Can you describe for us what this is?

A. Yeah, this is a form for people to identify a specific amount of contribution or donation, levels of giving that they could respond and send back to us at the Foundation. It included method of payment that they would choose to make their donation to us.

Q. Was the intent that someone could just take this page and then mail it in with a check or whatever to the Foundation?

A. That's correct, that's correct.

Q. Does the Foundation's logo appear on this page?

A. Yes, it does.

Q. This was 2003 you said, this version?

A. It started in 2003, yeah.

Q. Does the Foundation still use brochures such as this?

A. Yes, we do.

Q. And does the Foundation -- or is the Foundation continuously advertised or promoted in the "Networking" magazines of the Hispanic Chamber?

LOPEZ

A. Yes, it is.

MS. PIETRINI: I'd like to mark as Exhibit 15 a document -- Applicant's Exhibit 15 a document produced as H 03062 through H 03069. It's entitled "USHCC Foundation, fall 2003."

(Applicant's Exhibit 15 identified.)

BY MS. PIETRINI:

Q. Can you take a look at that and tell us if you recognize it?

A. Yes, I do.

Q. Can you tell us what it is?

A. It is a section -- promotional piece that we did that was part of the "Networking" magazine and that we were able to reprint in its entirety for distribution to promote the Foundation.

Q. Who was it distributed to?

A. Again to philanthropic organizations, to local Hispanic chambers, to local Hispanic businesses from across the country, to different potential donors, givers that we were seeking to help underwrite the mission of the Foundation.

Q. Does the Foundation's logo appear on this brochure?

A. Yes, it does.

Q. And if you look at the second page, 3063, it says "message from the executive director." Is that you?

LOPEZ

A. That's me.

Q. Is that your signature at the bottom?

A. That is my signature, yeah.

Q. Is that your picture?

A. That is my picture.

Q. Does the logo appear on that page?

A. Yes, it does.

Q. If you look on page H 03065, do you see any reference to the prominent part of the Foundation logo used?

A. Yes. You're talking about 065?

Q. 065..

A. Yes. It is at the end of the text of the second column, which is the H and the two persons, a young person with the adult.

Q. Does that page 3065 reflect a picture of you?

A. Yes, it does. This is a major signing ceremony that we had at the convention, announcing a partnership with America's Promise. America's Promise is an organization that was started by former Secretary of State Colin Powell. And his wife was in -- was present during that -- during portions of that convention.

Q. What is America's Promise?

A. America's Promise is an organization created to focus on the development of youth -- of young people, and it

1 LOPEZ

2 was created by the general, Secretary Powell, Colin Powell.
3 And it serves -- it creates partnerships with different
4 organizations across the country to support the development of
5 children, of young people, particularly poor young people,
6 many of which happen to be Hispanic.

7 So they have had a significant amount of effort,
8 from my experience, in working with Hispanic young people.

9 Q. Why did America's Promise want to partner with the
10 Foundation?

11 A. Because they saw us as a vehicle that had a
12 connection with the Hispanic community. They saw us as a very
13 credible national organization that had a history of working
14 with Hispanic youngsters.

15 MR. COLBERT: Object to foundation; hearsay.

16 BY MS. PIETRINI:

17 Q. Did you have discussions with anyone at America's
18 Promise before the partnership was formed?

19 A. Yes.

20 Q. Did you meet with anyone?

21 A. We met with them, yeah, with many of their
22 leadership, including Peter Gallagher, who at the time was
23 their president.

24 Q. Did you have to describe what the Foundation did to
25 those that you met with at America's Promise?

1 LOPEZ

2 A. Yes.

3 Q. What did you tell them?

4 A. I told them our mission. I told them that we were
5 focused on entrepreneurship, development of Latino youth,
6 Hispanic youth, that we were focused on economic development
7 in the Hispanic community across the country, that we were
8 involved with initiatives such as the one that I described
9 that involved the White House, around promoting the closing of
10 the achievement gap for Hispanic students, those kind of
11 initiatives that we do around Hispanic youth entrepreneurship.

12 Those initiatives we discussed with them, and they
13 saw it as very valuable, as best practices in a way. They
14 wanted to emulate and help promote.

15 MR. COLBERT: I'll object again to hearsay and
16 foundation.

17 BY MS. PIETRINI:

18 Q. Can you take a look at page 3066.

19 A. Yes.

20 Q. And you see that bottom right-hand corner?

21 A. Yeah.

22 Q. It says "USHCC Foundation in the news." Can you
23 tell us what that is?

24 A. Yes. This was -- I was interviewed by Ms. Valerie
25 Morris, who at the time was the anchor -- the host, and

LOPEZ .

Kathleen Hayes, the host of CNN's On the Flipside, which is a national show dealing with business and finance. And I was interviewed during that show.

Q. Okay. Did the logo appear anywhere on that show?

A. Yes, it did.

Q. Where -- how did it appear?

A. It appeared in my introduction, as they introduced me as the president of the -- or the leader of the Foundation.

Q. During that interview, did you discuss what the Foundation's mission was or services offered by the Foundation?

A. Yes, I did.

Q. Take a look at page 3067. Do you see the prominent part of the Foundation logo used anywhere?

A. Again, yes, I do.

MR. COLBERT: I'll object to the form of the question.

BY MS. PIETRINI:

Q. Can you tell us where it appears?

A. It appears at the end of the text on the second column, right after the URL, the Web site address for the USHCC, for the Hispanic Chamber.

Q. Does the Foundation often use the prominent part of its logo as a story-ending icon?

LOPEZ

A. Yes.

MR. COLBERT: I'll object to the form of the question as leading.

BY MS. PIETRINI:

Q. Do you understand what I mean by "story-ending icon"?

A. Yes, I do.

Q. Can you describe that for us?

A. The story-ending icon and the use of it is to -- is the H with the two people, which is a core center of our logo, again, to identify, one, Hispanic and the focus of our efforts with young people and adults, entrepreneurs.

Q. Can you look at page 3068, please.

A. Yes.

Q. Do you see the Foundation's logo used anywhere on that page?

A. Yes, I do.

Q. There's a reference to BizFest. Can you tell us what that is?

A. BizFest is what we identify as our youth entrepreneurship training camps. We do a series of Hispanic youth entrepreneurship training camps across the country, with support from many of our local chambers, in collaboration with them, and with sponsors -- philanthropic sponsors.

1 LOPEZ

2 And it has come to be known as BizFest. It is an
3 opportunity to bring a group of about 40 to 50 students in an
4 immersion program to teach them how to develop business plans,
5 how to develop a business idea and to consider
6 entrepreneurship as an option in their career development
7 efforts.

8 Q. What type of students are invited to the BizFest?

9 A. High school students predominantly, seniors and
10 juniors in high school. It tends to be an audience between 16
11 and 18 years of age.

12 Q. Are they of any particular race?

13 A. Predominantly Hispanic.

14 Q. And then if you look at the last page, 3069, can you
15 tell us what that refers to?

16 A. This refers to -- this was a thank you to the
17 sponsors, the corporate sponsors that had helped us raise
18 money at 24th Annual National Convention and business expo.

19 Q. Is the logo used on that page?

20 A. Yes, it is.

21 Q. And this document that we've been looking at,
22 Applicant's Exhibit 15, did you approve the content of it?

23 A. Yes, I did.

24 Q. And is this part of the regular practice of the
25 Foundation to create brochures such as this?

LOPEZ

A. Yes, it is.

Q. Does the Foundation create brochures such as the one we marked as Exhibit 15 on a regular basis?

A. Yes, we do.

MS. PIETRINI: I'd like to mark as Exhibit 16 a one-page document produced as H 03192.

(Applicant's Exhibit 16 identified.)

BY MS. PIETRINI:

Q. Can you take a look at this document and tell us if you recognize it.

A. Yes, this is an ad of the Foundation, a donation ad of the Foundation.

Q. What is a donation ad?

A. It's an ad that we place -- negotiated placement of it in different publications, including "Networking" magazine and other publications that we are able to facilitate. And it is promoting financial support, seeking givers -- philanthropic givers to the Foundation, for the Foundation to use the proceeds of the donations to meet its mission.

Q. Does the logo appear in this advertisement?

A. Yes, it does.

Q. Does the Foundation's Web site address appear on this advertisement? That was probably a --

A. I'm sorry, yes, it does, right in the --

LOPEZ

Q. Where was this ad placed?

A. This ad has been placed in many places, including magazines such as "Hispanic Trends," "Hispanic Enterprise." It has appeared on magazines, by name, of "Pordel," "Latina Style." And that's a sampling of the many publications where it has appeared.

It has appeared in newspapers before and after our national conventions, conventions in Philadelphia, and I believe it appeared in the "Arizona Republic," which is a major newspaper in Phoenix, "La Opinion," which is a major newspaper in Los Angeles, "Impacto," which is a Hispanic-owned local newspaper in Philadelphia, and a number of others.

Q. Is this an advertisement that the Foundation reuses?

A. Yes.

Q. Do you know when it was first used?

A. It was used -- it was first used on -- I believe it's around the year 2003.

Q. Were you involved in the preparation of this ad?

A. Yes, I was.

Q. And how were you involved?

A. In the overseeing the development of it, with contracting a graphic designer to develop the graphic layout of it, and the review and final approval of it.

MS. PIETRINI: I'd like to mark as Exhibit 17 a

LOPEZ

document entitled "2007 Annual Convention Business Expo and International Pavilion," produced as H 03147 through H 03150.

(Applicant's Exhibit 17 identified.)

BY MS. PIETRINI:

Q. Can you tell us if you recognize this document, Mr. Lopez?

A. Yes, I do.

Q. Tell us what it is, please.

A. It's a brochure of our convention, meaning the Hispanic Chamber and the Foundation's efforts to -- convention in Puerto Rico in 2007.

Q. Where was this distributed?

A. This was distributed online. It was distributed by mail. It was distributed at the convention, prior and during.

MR. COLBERT: I just want a continuing objection as to foundation.

BY MS. PIETRINI:

Q. You can finish your answer.

A. Yeah, it was distributed in -- through mail, electronically and with -- through corporations, through individual participants. It was widely distributed prior and subsequent to the convention, particularly prior to the convention.

Q. Does the Foundation's logo appear on this brochure

LOPEZ

we've marked as Exhibit 17?

A. Yes, it does.

Q. Were you involved in preparing the content or approving the content of the brochure marked as Exhibit 17?

A. Yes, I was.

Q. What did you do in that regard?

A. I reviewed the content for accuracy. I reviewed it for the sake of consistency, with our messages and our information and final approval.

Q. Is it a regular practice of the Foundation to have brochures such as the one we've marked as Exhibit 17?

A. Yes.

Q. Is there a brochure such as this for each of the annual conventions that you've been involved in for the Foundation?

A. Yes.

MS. PIETRINI: I'd like to mark as Exhibit 18 a document entitled "USHCC Foundation," produced as H 03204 through H 03206.

(Applicant's Exhibit 18 identified.)

BY MS. PIETRINI:

Q. Can you take a look at this document.

A. Yes.

Q. Are you familiar with it?

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A. Yes, I am.

Q. Can you tell us what it is?

A. It is a document that we have produced to illustrate or to state the mission of the Foundation, as well as major initiatives, programmatic initiatives, that we have undertaken and is used to inform our potential funders to the kinds of activities that they could help support that meet our mission.

Q. Was this document marked as Exhibit 18 distributed to anyone?

A. Yes, it has been distributed to many people. It's part of our media kit, our fund-raising kit that we distribute to potential funders. It is -- it's been posted on our Web site and used at our conventions as part of a registration package, describing the activities of the Foundation.

Q. What's your media kit?

A. A media kit is something we prepared with different kind of documents as the ones that we've been describing, the different exhibits, to promote the mission of the Foundation and to promote the involvement of others to support our efforts and to promote -- to inform the public, to inform the different audiences -- strategic audiences that we are seeking to work with and that we do work with about our activities.

Q. Is the media kit distributed to anyone?

A. Yeah, to reporters, to media representatives that

LOPEZ

attend a number of our conventions. At our conventions, we do a media room, where the press has the opportunity to register. And as they register, they receive a packet of everything associated with the Hispanic Chamber, as well as with the Foundation.

Q. And then you also mention a fund-raising kit. What is that?

A. Fund-raising kit we use, it's a little bit similar to the media kit, but this one is more specifically outlining the initiatives side of this document, of Exhibit 18, which is more descriptive of the programs that we do, that we want -- or consider the Foundation or funders to be interested in supporting, because it meets their mission or their objectives.

Q. Who is the fund-raising kit distributed to?

A. To philanthropic organizations, those that provide funds, grants, to 501 charitable organizations like us, like the Foundation.

Q. Is it regular practice of the Foundation to distribute these fund-raising kits?

A. Yes.

Q. Is it a regular practice of the Foundation to distribute media kits?

A. Yes.

LOPEZ

Q. Did you write any of the content for the document we've marked as Exhibit 18?

A. Yes.

Q. Did you approve the final version of the document we've marked as Exhibit 18?

A. Yes.

Q. Does the Foundation's logo appear on the document we've marked as Exhibit 18?

A. Yes, it does.

Q. And you said that it was posted on the Foundation's Web site?

A. Yes, it is.

Q. Is it still available on that Foundation's Web site?

A. I believe it's still active, yes.

Q. What was the year of this document that we've marked as Exhibit 18?

A. This document dates to at least 2003, the beginning of 2003.

Q. Does this document summarize some of the activities of the Foundation?

A. Yes, it does.

MS. PIETRINI: I'd like to mark as Exhibit 19 a document entitled "Inaugural Family Day and Golf Classic, 2002," produced as H 03096 through H 03102.

LOPEZ

(Applicant's Exhibit 19 identified.)

BY MS. PIETRINI:

Q. Can you tell us if you're familiar with this document?

A. Yes, I am.

Q. Can you describe for us what it is?

A. It is a brochure of promoting the golf tournament that we did in 2002 in Los Angeles, California. And it was my first year in my position as leader of the Foundation in 2002.

Q. Are you featured in this brochure?

A. Yes, I am.

Q. On what page?

A. On the second page, very photogenic individual there.

Q. And that's page 3097?

A. That's correct.

Q. Did you write the content that is reflected on the right-hand side of that page?

A. I either did or had final approval on it.

Q. Is that your signature at the bottom?

A. Yes, it is.

Q. Does the Foundation's logo appear on -- in this brochure at all?

A. Yes, it does.

LOPEZ

Q. Can you tell us what pages it appears on?

A. It appears on pages 1, 2 -- I'm sorry, 3, meaning 3098. It appears in pages 3099. It appears on pages 3101 and 3102.

Q. Who was this brochure distributed to?

A. This was distributed to corporate participants, members from the corporate community, philanthropic community, from Hispanic chambers, local Hispanic chambers, Hispanic entrepreneurs, Hispanic business owners that like to play golf and that at the same time do it -- participate in charitable activities, where they know that the proceeds of their donations or contributions are going to support missions as the ones that we support on behalf of young people, young Hispanic entrepreneurs or aspiring entrepreneurs.

Q. For the golf tournaments of the Foundation that you've participated in, has there always been a brochure for it?

A. Yes.

Q. Has the Foundation's logo consistently appeared on those brochures?

A. Yes.

Q. Are you involved in the content of those brochures?

A. Yes.

Q. Do you have final approval over them?

LOPEZ

A. Yes, I do.

MS. PIETRINI: I would like to mark as Applicant's Exhibit 20 a document entitled "Daily Convention Newsletter," produced as H 03103 through H 03106.

(Applicant's Exhibit 20 identified.)

BY MS. PIETRINI:

Q. Can you tell us if you recognize this document.

A. Yes, I do.

Q. Can you tell us what it is?

A. It is the daily -- a daily newsletter that is produced during the convention of the Hispanic Chamber and the Foundation. This is a -- the convention duration is about four days, four to five days, and these are produced daily to provide the participants, the attendees of the convention, a sense as to what happened the day before, as well as what is happening the day of.

It is distributed early in the morning. It starts -- the distribution of it starts early in the morning by a crew of volunteers distributing in the headquarter hotel to all the rooms that are registered under our block.

Q. The newsletter is distributed to the attendees?

A. To the attendees.

Q. Is it only distributed under the doors of the hotel rooms?

1 LOPEZ

2 A. No, it's distributed under the doors to the
3 attendees. It is distributed on tables at all of the
4 centrally located areas of the convention hall, anything
5 within the proximity of the convention locationwise, venues,
6 secondary hotels where there are attendees staying at.

7 We have large audiences attend our conventions, on
8 average over 4000 attendees every year, and so we try to reach
9 those that we know -- where we know where they're staying.

10 And we know because we contract for blocks of rooms in
11 different hotels. We contract the space for the convention
12 center, so we have different distribution points located
13 throughout those venues.

14 Q. Is there always a daily convention newsletter at all
15 the conventions that are done by the Hispanic Chamber and the
16 Foundation?

17 A. Yes.

18 Q. Does the Foundation logo always appear on those
19 newsletters?

20 A. Yes.

21 Q. Do you review the newsletters before they're
22 printed?

23 A. Sometimes. In this case, I review the format and
24 some of the preprinted, predeveloped stories. But some of
25 them are delegated to staff that is doing follow-up, so I

LOPEZ

don't get a chance to review every single item in there. But I know the topics that we're covering in each edition.

Q. If you look on the first page of 3103, there's a photograph of a guy at a microphone. Can you tell us what that photograph represents?

A. Yes, that represents -- that is a photograph of the honorary chair at the luncheon of the golf tournament. We do a luncheon as part of the golf tournament, where all of the golf participants attend and participate and where we promote and place the banner of the Foundation with the different sponsors.

In this case, this gentleman is the highest-ranking Hispanic in FedEx, FedEx Corporation. He is the president of FedEx Express Latin America, and he served during this convention, which was in Milwaukee, as an honorary chair.

Q. That photograph, does it reflect a sign at the golf tournament?

A. Yes, it does.

Q. Does the Foundation's logo appear on that sign?

A. Yes, it does.

Q. Is it consistent for the Foundation to use its logo on signs at the golf tournaments put on?

A. Most definitely, most definitely, yes.

Q. If you look at the last page of what we've marked as

1 LOPEZ

2 Exhibit 20, 3106, there's a couple pictures. Can you tell us
3 what those reflect?

4 A. These are pictures from the golf reception that is
5 done every year at the convention. There's a pre-golf
6 reception that is done. The top two pictures are of that
7 reception, which is the night before the golf tournament, at
8 the headquarter hotel. And it reflects -- I am in both of
9 these pictures with Michael Barrera, who is president and CEO
10 of the Hispanic Chamber, and Mr. Cento from FedEx, who was a
11 spokesperson then.

12 There's three pictures on the left-hand side toward
13 the bottom, one, two and three, and these are the participants
14 that -- at the golf tournament that received awards. They
15 placed -- they won first and second and third place in the
16 tournament.

17 Q. Are there -- at the reception that's done the night
18 before the golf tournament, is the Foundation's logo featured
19 at all?

20 A. Prominently.

21 Q. And how is it featured?

22 A. Prominently, as the case on the podium and signs
23 throughout the room.

24 Q. Does the Foundation consistently do a reception the
25 night before the golf tournaments?

LOPEZ

A. Yes, we do.

Q. Is the Foundation's logo used at each of those receptions?

A. Always.

Q. Is it used in the same manner on the front of the podiums?

A. Yes.

MS. PIETRINI: I'd like to mark as Applicant's Exhibit 21 a document entitled "Daily Convention Newsletter, September 17, 2005," produced at H 03111 through H 03118.

(Applicant's Exhibit 21 identified.)

BY MS. PIETRINI:

Q. Can you tell us if you recognize this document.

A. Yes, it is another version or another edition of the daily convention newsletter.

Q. Was this for the same convention as the one that we looked at for Exhibit 20?

A. Yes, it was, a different date.

Q. Was this newsletter distributed in the same manner as the newsletter we looked at in Exhibit 20?

A. Yes, it was.

Q. Can you tell us if the Foundation is featured or referred to in this newsletter?

A. Yes, it is.

1 LOPEZ

2 Q. Can you tell us what page?

3 A. The logo is featured on the front page, the second
4 page. There is -- on the third page, there are -- there is a
5 feature about a plenary session that we did as part of the
6 convention and also the exhibit, the pavilion that we do at
7 the convention, at this convention, where many of the students
8 are standing in front of the entrance to that pavilion, which
9 has our logo in addition to that of FedEx and other sponsors.

10 Q. Are you quoted at all in any of the material related
11 to the Foundation in this newsletter?

12 A. Yes, I am.

13 Q. On what page is that?

14 A. I see on the third page, on the article, under the
15 heading of "USHCC Foundation Plenary Session Focuses on
16 Investment Opportunities." The second paragraph, I am quoted.

17 MS. PIETRINI: I'd like to mark as Exhibit 22 a
18 document produced as H 03625 through H 03766.

19 (Applicant's Exhibit 22 identified.)

20 BY MS. PIETRINI:

21 Q. Can you tell us if you recognize this document?

22 A. Yes, I do.

23 Q. Can you tell us what it is?

24 A. A copy of the convention magazine done for the 25th
25 anniversary celebration. The convention that was -- took

LOPEZ

place in Austin, Texas to celebrate our 25th anniversary of Hispanic Chamber.

Q. Was this the brochure that you referred to earlier about giving the history of the Hispanic Chamber?

A. Yes.

Q. Can you tell us if this magazine was distributed?

A. It was distributed to all of the participants of that convention in Austin, Texas. Over 4000 people, I believe, received this.

Q. What year was this?

A. Austin was 2004, I believe.

Q. Did you attend that convention?

A. Yes, I did.

Q. Is the Foundation identified or promoted in this magazine that we've marked as Exhibit 22?

A. Yes, it is.

Q. Does the Foundation's logo appear in the magazine we've marked as Exhibit 22?

A. Yes, it does.

Q. And if you'd look at page 3649 of Exhibit 22, there appears to be a letter there.

A. Yes, it does, with my --

Q. Is that -- go ahead.

A. It contains my signature, my picture and the logo.

LOPEZ

Q. Did you write this letter?

A. Yes, I did. Either I wrote it or approved it in final form.

Q. Was this magazine distributed at the convention or before the convention?

A. It was distributed at the convention. This is part of the registration packages given to all of the participants of the convention. Subsequent to that, there was some additional copies that were archived and distributed because it's the 25th anniversary. It was well received, and many people wanted to get copies because of the history that it provided of the Chamber, Hispanic Chamber.

Q. And when you say it was archived and distributed copies, to whom was it given copies?

A. To many corporate representatives, local Hispanic chambers and Hispanic businessowners.

Q. Did they request a copy?

A. Yes, many of them did.

MS. PIETRINI: Can we take a five-minute break, please?

(Recess.)

BY MS. PIETRINI:

Q. Before we broke, we were talking about the convention magazine that we've marked as Exhibit 22. Does the

LOPEZ

Hispanic Chamber and the Foundation distribute those types of magazines for all of its conventions?

A. Yes.

Q. Is the Foundation's logo used consistently in those magazines?

A. Yes.

Q. Is the Foundation identified consistently in those magazines?

A. Yes.

Q. And you mentioned earlier that the Foundation uses print advertisements to promote its services?

A. Correct.

Q. What types of magazines does the Foundation advertise in? You identified a couple, and I don't have the names handy. I think you said "Hispanic Trends," "Hispanic Enterprises," "Latina Style." Any others that you can think of?

A. "Pordel," "Hispanic Magazine," "Hispanic Business Magazine," and there's numerous others. I just can't recall all the name. We work closely with the National Hispanic Publishers' Association, so with them we constantly get new listings of Hispanic publications, of members of their organization that we seek to get our materials in. They help us with that.

1 LOPEZ

2 Q. Why do you work with the National Hispanic
3 Publishers' Association?

4 A. We work with them to promote our existence and our
5 mission, our services to different audiences of the Hispanic
6 community, different markets of the Hispanic community. Our
7 focus being Hispanic, it makes sense for us to work with
8 Hispanic publications. And so the national organization that
9 represents the Hispanic publications is one natural source for
10 us.

11 Q. Are the magazines that the Foundation advertises in
12 directed to Hispanic businesses or Hispanic entrepreneurs?

13 A. Yes, many of them are. "Hispanic Business,"
14 "Hispanic Enterprise," "Hispanic Trends" and "Latina Style,"
15 those are all -- predominantly focused on Hispanic businesses,
16 Hispanic leaders. "Pordel" is another magazine that is
17 focused on Hispanic leaders, professionals, entrepreneurs,
18 Hispanic entrepreneurs.

19 Q. How do you know that the magazines are directed to
20 Hispanic businesses or Hispanic entrepreneurs?

21 A. Well, I read them. It is obvious that their target
22 audience is the Hispanic community. Their distribution, as I
23 understand it --

24 MR. COLBERT: Objection; foundation.

25 MS. PIETRINI: Right. But Ed, let him finish the

LOPEZ

answer. You continually interrupt him.

MR. COLBERT: I'm just trying to make sure. Because he goes so quickly, I don't have time to put my objection in.

MS. PIETRINI: If you put your objection on the record, that's fine. But don't interrupt him.

MR. COLBERT: So you won't object if I object after he answers?

MS. PIETRINI: If it's immediately right after. If it's five pages later, then I think I'd have a problem. But you can object.

THE WITNESS: Yes, I would appreciate no interruptions.

BY MS. PIETRINI:

Q. If you could finish your answer, Mr. Lopez. Or do you want it read back so you can figure out where you were?

THE WITNESS: Yes, please.

(The reporter read the record as requested.)

THE WITNESS: Is through local Hispanic businesses, major subscription base. We work with them around building their subscription base, through the mailing and databases that we have of our members, and those happen to be Hispanic entrepreneurs predominantly.

BY MS. PIETRINI:

Q. How do you know the distribution base of these

1 LOPEZ

2 magazines?

3 A. By conversations with the editors and dialogue with
4 the publishers of the magazine. I'm very familiar with many
5 of them. We meet. They have -- they seek advice from us and
6 collaboration in exchanging databases of members. To the
7 extent that is within our legal bounds and means, we have done
8 that.

9 MR. COLBERT: Objection; hearsay, foundation.

10 BY MS. PIETRINI:

11 Q. Does the Foundation provide these magazines with a
12 list of its contributors or list of the local chambers of the
13 Hispanic Chamber?

14 A. We provide them not with our contributor list.
15 That's sort of a little bit more confidential and proprietary.
16 But we do share our members, local chambers. And in many
17 instances, we market to our entrepreneurs a database of
18 entrepreneurs that we know or are affiliated with us the
19 opportunities for subscription or for marketing and
20 advertising in these magazines. We inform them of these
21 magazines in many instances.

22 At our conventions, we do trade-outs with many of
23 the magazines, and the trade-outs we define as opportunities
24 where they will print stories related to our event or provide
25 space for advertising of our ads and associated with our

1 LOPEZ

2 activities, in exchange for them being able to distribute
3 their magazine to the participants of our activities or our
4 convention.

5 Q. You also mentioned that the Foundation advertises in
6 newspapers; right?

7 A. Yes, we do.

8 Q. And an example -- some of the examples was?
9 "La Opinion," and that's based in Los Angeles; right?

10 A. Yeah, "La Opinion" is the largest Hispanic -- I
11 believe it's the largest Hispanic-owned newspaper, with the
12 largest distribution in the U.S.

13 Q. Is that newspaper in Spanish or English?

14 A. It is in Spanish. A lot of our advertising
15 opportunities are in Spanish.

16 Q. Are the newspapers that the Foundation advertises in
17 directed to Hispanic businesses or Hispanic entrepreneurs?

18 A. Yes.

19 Q. How do you know that?

20 A. By virtue of the experience that we have with our
21 members in receiving them, and we -- by conversations and
22 professional dialogue and exchanges with managing editors and
23 the publishers of the magazines.

24 Q. Have you read any of the newspapers in which the
25 Foundation advertises?

LOPEZ

A. Yes.

Q. Have you read "La Opinion"?

A. Yes, I have.

Q. Are you fluent in Spanish?

A. Yes, I am. Hablo espanol.

Q. Are you familiar with, I think you mentioned earlier, the Hispanics Today television program?

A. Yes.

Q. Can you tell us what that is?

A. The Hispanics Today television program is a nationally syndicated show owned by the USHCC, the Hispanic Chamber that is, and it is a weekly show. It is going into its eighth season of being on the air. It is syndicated, so it is seen in station ABC, CBS, NBC, Fox. Different stations pick it up.

And the last information I have received from the executive producer of the show is that it is seen in over 150 markets across the U.S.

MR. COLBERT: Objection; foundation, hearsay.

BY MS. PIETRINI:

Q. Have you seen the television show yourself?

A. Yes, I have.

Q. Have you ever appeared on it?

A. I have appeared on it. I've been interviewed. I've

LOPEZ

been in segments on the Foundation that have been done by the show and broadcast. Some of the segments appear in our Web site on demand.

Q. Does the Foundation's logo -- or has the Foundation's logo appeared on the Hispanics Today television show?

A. Yes.

Q. How has it appeared?

A. It has appeared as part of the stories they have down about the Foundation. It appears when they have done donation-type PSAs of the Foundation, public service announcements, promoting the mission and the philanthropic activities of the Foundation, the appeal effort.

It has appeared -- they have appeared on signs, locations where we have -- and events that we have done, where we have signage with our logo on it.

Q. And you mentioned that you receive reports from the executive producer of the show?

A. Yes, that's correct.

Q. Can you describe for us what those are?

A. I meet with the executive producer routinely, as well as with the senior leadership team of the Hispanic Chamber, and we discuss different story opportunities and different story lines. They seek advice and input from me on

LOPEZ

direction in regards to themes and stories that they are pursuing, including those related to the Foundation.

Q. You said that the television show is produced by the Hispanic Chamber; correct?

A. Yes, correct.

Q. Does it air in Washington, D.C.?

A. It does.

Q. Do you know what station?

A. NBC, and it airs on Sunday mornings after Meet the Press.

Q. Who is the Hispanic Today television show directed to?

A. It is an English-speaking show, directed predominantly to the Hispanic business community, the local Hispanic chambers and those interested in the economic development activities in the Hispanic community, which includes all kinds of business audiences, professionals, corporate representatives, legislators and, in many instances, Hispanic households as well.

Q. How do you know that?

A. By data that's produced by the syndicator that provides reach, data related to the reach, in the terminology of the industry. Tracking mechanisms and data reports that are standard, that identify what kind of households.

1 LOPEZ

2 And the syndicator does similar to what Nielsen
3 does, their assessment as to what the reach of the show is.
4 Exactly how they do those kind of surveys and that kind of
5 data gathering is -- I always thought Nielsen was a Nielsen
6 button in everybody's house, but I don't know how they
7 accomplish that. But data that I'm told is standard in the
8 industry was used.

9 Q. Did --

10 MR. COLBERT: Excuse me. Objection; hearsay and
11 foundation.

12 BY MS. PIETRINI:

13 Q. Do you receive the data reports from the syndicator?

14 A. I have seen them. Occasionally I receive them. Not
15 all the time do I -- it's kind of voluminous, so I trust the
16 information based on the meetings that we've had, not
17 necessarily always requesting the tracking reports.

18 MR. COLBERT: Objection; hearsay and foundation.

19 BY MS. PIETRINI:

20 Q. Are Hispanic businesses featured on the Hispanic
21 Today television program?

22 A. Yes.

23 Q. Are Hispanic entrepreneurs featured on that
24 television program?

25 A. Yes.

LOPEZ

Q. And you've seen episodes where they have been featured?

A. Yes.

Q. Is it a regular practice of the Foundation to receive the data reports from the syndicator?

A. Yes, we receive it. We get it routinely, at least on a monthly basis.

Q. And who is the syndicator?

A. Oh, I forget the name, I'm sorry.

Q. That would be reflected on the reports?

A. That would be reflected in those reports, yeah.

Q. You also mentioned "Hispanic Trends" earlier in your testimony. Can you tell us what that is?

A. "Hispanic Trends" is a venture, is a magazine, that is targeted to focus on stories of interest to the Hispanic community and Hispanic business community or on industry or on entrepreneurship, around entertainment. It is a venture that also the Hispanic Chamber is affiliated with that generates revenue for it.

There is a licensing -- as I understand it, there is a licensing agreement where the Chamber allows the use of its name in the promotion of the magazine for a certain proportion of the revenue generated by the magazine.

The Hispanic Chamber also has participation in the

LOPEZ

editorial board of the magazine.

Q. Does the --

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. Is the Foundation featured in the "Hispanic Trends" magazine?

A. It has, yes.

Q. Has the logo been featured?

A. Yes, it has.

Q. And how often is "Hispanic Trends" published?

A. I believe it's a monthly magazine.

Q. Is it your understanding that "Hispanic Trends" magazine is directed to Hispanic-based businesses and Hispanic entrepreneurs?

A. Yes.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. On what do you base your understanding?

A. On knowledge of the way that magazine business was structured and the target audience, subscription base, many of which are members of our chambers, Hispanic-owned businesses and entrepreneurs that are affiliated with us throughout our enterprise.

MR. COLBERT: Objection; foundation.

LOPEZ

BY MS. PIETRINI:

Q. Have you ever read the "Hispanic Trends" magazine?

A. Routinely, yes.

Q. And was it your understanding in reading that magazine that it was directed to Hispanic-based businesses and Hispanic entrepreneurs?

A. Yes.

MR. COLBERT: Objection; foundation, relevance.

MS. PIETRINI: Pardon me?

MR. COLBERT: I said objection; foundation and relevance.

BY MS. PIETRINI:

Q. Are you familiar with the "Chamber Weekly"?

A. Yes, I am.

Q. Can you tell us what that is?

A. That's an electronic newsletter that's produced on a weekly basis and distributed electronically to a list of e-mail addresses that are predominantly populated by members of local Hispanic chambers.

Q. Who is that e-mail blast sent by?

A. It is sent by the Hispanic Chamber, by the communications department of the Chamber.

Q. Has the Foundation been featured or identified in any of those e-mail blasts?

LOPEZ

A. Yes, many times.

Q. Has the logo been featured of the Foundation?

A. Yes.

Q. Have you ever read any of the e-mail blasts put out in the "Chamber Weekly"?

A. Yes, I have.

Q. Was it your understanding, based on reading the e-mail blasts, that they were directed to Hispanic businesses or Hispanic entrepreneurs?

A. Yes.

Q. In the magazines that the Foundation advertises in, are any of them in the Spanish language?

A. Yes, some of them are. "People en Espanol" is one where there's been features of the Foundation.

Q. How does the Foundation determine if a business is a Hispanic-owned business?

A. Well, we do it a number of different ways, but one way is by self-identification by the entrepreneurs. Another is by examining and requesting if the business has been certified by a certifying entity. There are nationally-identified organizations, including the federal government, that -- and state governments that engage in certifying businesses as Hispanic -- as minority-owned, and they have different categories of the minority group, one of

LOPEZ

which is Hispanic.

So those certifications that are formal, once awarded or received, serve to prove to us that the business in question may be Hispanic-owned or not.

And they generally are based on 51 percent minimum ownership and management control of the business by a Hispanic or by a minority person, by a female, women. There's categories of that nature. So those are some of the ways that we identify if the business is owned by Hispanic.

In the case of our board members, which are required to have -- to be businessowners, Hispanic businessowners with 51 percent, there's a process that our attorney goes through in certifying them upon review of documentation that they produce about their business, their financials and things of that nature.

Q. Then you also mentioned there are separate companies that provide certifications of minority-owned businesses?

A. That's correct, two of which are most prominent. One by acronym is the NMSDC, the National Minority Supplier Development Council. They are recognized by Fortune 500 companies as the entity through which you ascertain the standing or the status from a minority point of view of business ownership.

There's also WEBANC, which is a women's business

1 LOPEZ

2 organization nationally, that is focused on support and
3 advocacy on behalf of women-owned businesses, and that is
4 another certifying entity that we use for determining if
5 Hispanic women -- woman owns a business with that kind of
6 control.

7 Q. And you mentioned that the Foundation has a board of
8 directors; right?

9 A. Yes, I did.

10 Q. How many members of the board?

11 A. Right now, the board of directors of the Foundation
12 is comprised of -- all of the board members of the Hispanic
13 Chamber, which at this instance is 22, 22 members. It has one
14 additional Hispanic businessowner that serves as the chair,
15 was a former member of the USHCC, by bylaws is permitted to
16 serve out their term as chair of the Foundation, even though
17 they are no longer serving on the Chamber -- Hispanic Chamber.
18 So that's 23.

19 In addition to that, there's three corporate seats
20 or three seats of the board that are reserved for members of
21 corporations that have contributed or invest in significant
22 way through their philanthropic vehicles to the Foundation.
23 Those three are FedEx, Coca-Cola and Ford. They each have
24 representatives from their companies on our board of
25 directors. So that makes it 26 board members.

1 LOPEZ

2 Q. What's the ethnicity of the members from the
3 corporations?

4 A. All of them are Hispanic.

5 Q. How do you know that?

6 A. I have met them. I know them personally, by their
7 surname, by their identification through the companies as
8 their top Hispanic executives. These -- we trust their word,
9 and they happen to be of the name Cento, who happens to be
10 Cuban. I know the family.

11 From FedEx, I know Rocky Egusquiza, who is also from
12 Ford. In this case, she's of Cuban descent. And then the
13 other gentleman is of Mexican descent from Coca-Cola, Rudy
14 Beserra. His last name is Beserra.

15 Q. Why is the board membership restricted to owners of
16 Hispanic businesses and members of the Hispanic Chamber board,
17 excluding the three corporate participants?

18 A. Because it is a Hispanic organization, and the
19 origins of it require that in order to provide and understand
20 the needs of the Hispanic businesses, it was deemed that you
21 had to be a Hispanic businessowner.

22 And it is an organization that represents Hispanic
23 businessowners and chambers, Hispanic chambers. So as such,
24 that requirement has been in place from its origin.

25 Q. Any materials published by the Foundation in

LOPEZ

Spanish?

A. Yes.

Q. Can you tell us what those are?

A. We have published, for example, curriculum materials on our youth entrepreneurship program. We have published -- in Spanish, because of many students that their first language is Spanish predominant or the dominant language.

And we have published press releases in Spanish, English and Spanish, because the appeal and the distribution is in many instances to Hispanic-speaking communities or communities that have a preponderance of Spanish speakers.

And we have done articles in Spanish for placement in newspapers or magazines. We have translated articles that appear in English into Spanish for placement in Spanish-speaking publications.

Q. We talked a little bit about your charitable contributions before we broke. From whom is the Foundation soliciting these contributions?

A. Our supporters and our -- the contributors to the Foundation are predominantly composed of philanthropic-affiliated foundations of corporate America, places like the Ford Motor Company Fund, which is the philanthropic arm of the Ford Motor Company, AT&T Foundation, the philanthropic arm of AT&T, what is now AT&T, used to be

1 LOPEZ

2 SPC and a combination of Bell South and others.

3 The Comcast Foundation is another entity that
4 provides grant support to us, affiliated with the Comcast
5 cable company. Wells Fargo Foundation is another entity that
6 provides grant support to us.

7 We also receive donations from Hispanic
8 businessowners. All of our board members who are Hispanic
9 businessowners contribute annually to the Foundation. They
10 contribute a minimum of \$500 each out of their own pockets,
11 out of their businesses.

12 We receive contributions from individuals, smaller
13 scale, that are Hispanic entrepreneurs and individuals that
14 are from the Hispanic community as well.

15 Q. Are these Hispanic businesses, Hispanic
16 entrepreneurs and the philanthropic arms of these
17 corporations, are they all involved in the Hispanic business
18 community?

19 A. I believe that they are.

20 MR. COLBERT: Objection; foundation.

21 BY MS. PIETRINI:

22 Q. How do you know that?

23 A. By virtue of the way they promote their divisions
24 and their outreach efforts. We work with corporations, for
25 example, that have supplier diversity programs. Supplier

LOPEZ

diversity programs are intended to reach out to minority communities predominantly that have an underutilization in the supplier chain, the supply chain of those companies.

We have a lot of Hispanic businesses that focus their services and their marketing efforts, in terms of products or services, to the Hispanic community, in addition to the community at large, because they're involved with selling their products, selling their services, many of those companies that do business or service-oriented companies that work within the Hispanic community.

So they market in many instances their services in Spanish, so that indicates that they're going to the Spanish audience.

Q. And is this your understanding based upon your work experience with these people at the Foundation?

A. Yes.

Q. And you also mentioned a term "supplier diversity." Can you define for us what that means?

A. Sure. "Supplier diversity" is a term that is used in the corporate community, meaning corporations have divisions, many of them. The larger corporations have assigned staff and divisions within their procurement departments that their purpose is to identify minority suppliers to match up with procurement opportunities and

LOPEZ

contracting opportunities that they have.

These are policies that are derived not just from federal regulatory frameworks but from their own governance structures that have identified minority communities and Hispanic communities in particular as significant markets of opportunity for their product or service.

Q. Have you ever been involved in any supplier diversity programs?

A. Yes, I have. I have worked directly in the corporate community in supplier diversity, as well as in the governmental sector.

Q. And the governmental sector, what are you referring to?

A. I was an executive with the State of New York for about 13 years, where I managed -- I was a director -- or I was assistant commissioner specific to my title and oversaw a division that was responsible for minority business development and matchmaking. Now it's called predominantly supplier diversity.

It was the idea of helping businesses that are minority, Hispanic included, become certified and listed and prequalified for business opportunities that the State would have. In that case, it was in the area of environmental conservation and the environment of residential development

LOPEZ

for people with disabilities.

Q. How does the Foundation go about soliciting contributions? You have the board members give an annual payment, you have the golf tournament, and you have brochures that you sent out. What are some of the other ways that you do that?

A. We research the foundations and philanthropic entities through the Foundation Center. Among others, there is -- Foundation Center is a clearinghouse that lists all of the different foundations, grant-giving organizations across the country, whether they're independent of corporations or not.

We identify through research which ones contribute routinely or donate and provide grants to organizations with the mission that we have, to develop the entrepreneurship aspirations of Hispanic youngsters, education advancement, closing of achievement gaps, business development in depressed underserved communities or economically deprived communities, like many Hispanic communities are.

So we do this kind of research, and we then prepare proposals, in response to their guidelines or following their guidelines, seeking support for programs that we can implement that have a value add to their mission and to ours.

Q. Do you personally interact with any of the people

1 LOPEZ

2 who are making the decision for the contributions?

3 A. Yes, yes, I do.

4 Q. Who are the types of people that you're interacting
5 with for these contributions?

6 A. I interact with executives or presidents of
7 foundations, top-level executives within corporations that
8 have responsibility for areas associated with social
9 responsibility, to senior executives that are involved with
10 marketing efforts that are targeted to the Hispanic community,
11 business community.

12 So a variety of executives at a range of these
13 different grant-making organizations.

14 I also work closely and communicate directly and
15 meet routinely with large owners of Hispanic firms or Hispanic
16 owners of large firms that are owned by them.

17 Individuals like John Lopez is one. He is an owner
18 of Lopez Foods, which is the largest food manufacturing
19 company -- not manufacturing. Food processing plant. They
20 are a major supplier to -- Hispanic-owned company that they
21 supply all the sausage patties to McDonald's across the U.S.
22 They're in the neighborhood of about close to \$500 million in
23 gross revenue a year. I have met him routinely. He is an
24 advisor. I consider him a mentor.

25 People like Charles Garcia, who sits on the

1 LOPEZ

2 Winn-Dixie corporate board of directors, who has his own
3 investment company, also a philanthropist who has been very
4 supportive of our individuals. And other individuals of that
5 caliber.

6 MR. COLBERT: Objection; foundation.

7 BY MS. PIETRINI:

8 Q. How would you describe the people that you're
9 interacting with?

10 A. Very professional, very well educated, very -- in
11 many instances, very wealthy, individuals that have been very
12 successful in their endeavors, very sophisticated group of
13 individuals, many of them with degrees -- graduate degrees
14 from Ivy Leagues, Harvard, Yale, Princeton and many other
15 schools of that nature.

16 Q. Do you also --

17 MR. COLBERT: Objection; foundation.

18 BY MS. PIETRINI:

19 Q. -- work with any celebrities?

20 A. Yes. I have -- I have been fortunate to have worked
21 with a number of celebrities who have agreed to support us
22 from time to time, performers.

23 One gentleman that is very active with us is a
24 prominent and a standard star with CSI: Miami, a series that's
25 been on for quite some time. His name is Adam Rodriguez, a

LOPEZ

young actor who is very much involved with philanthropic activities associated with financial literacy. He is one.

There are others that we have worked with as well, major individuals that are known, if not celebrities. George Lopez. People like Arte Moreno, who is the owner of the California Angels, the owner of the baseball team, the first major league baseball team owner in full; Linda Alvarado, who happens to be a part owner of the Colorado Rockies.

I've met and received assistance in our promotional efforts from people like Omar Minaya, who is the only Hispanic general manager in the major leagues. He is general manager of the New York Mets.

And a number of players. We have had, for example, A-Rod, Alex Rodriguez, who is a baseball player with the New York Yankees, who has been supportive of our endeavors and appeared in some of our events. We've had hall of famers, names that you may not be familiar with, but in the Hispanic community, people are. Anybody in baseball may know them. Juan Marichal was a hall of famer that used to play with the San Francisco Giants, has appeared in our golf tournaments.

We've had other -- many others that have participated, celebrities from Hollywood and elsewhere that have participated with us and lent us their name.

Q. These people that you've just identified, like

LOPEZ

George Lopez and some of the others, is it your understanding that they are all Hispanic?

A. Yes.

Q. How do you know that?

A. I know that because -- in the case of each one of those individuals, they identify themselves as such, if one reads their bios and they identify themselves as having grown in the Hispanic neighborhoods, their parents being Hispanic.

George Lopez has in a number of instances indicated, in person, in personal conversations with me and others that are affiliated with members of our board that know him personally as well, and they know his history, his upbringing.

I know in the case of Adam Rodriguez, I know his father, I know his mother, and I know his sister. I've met him. I knew him when he was a teenager. So I know him to be of Puerto Rican parentage.

So yes, I know it because of the readings and identify as -- that provided to us in their own biographical statements.

Q. Are you familiar with Hispanic surnames?

A. Yes.

Q. Is that because you are Hispanic yourself?

A. Because I'm Hispanic myself, that's one reason, yeah.

1 LOPEZ

2 Q. And the people that you identified, the celebrities
3 and sports figures that you were discussing here, each of
4 those had a Hispanic surname?

5 A. Yes.

6 Q. You identified -- going back to the prior question
7 about the type of people that you were working with, you
8 identified them at the corporations as being well educated.
9 What makes you say that?

10 A. Because some of the positions that they hold through
11 their HR departments, as we have at times done recruitment for
12 them or we've promoted the opportunity for us to feed college
13 graduates into their ranks of career options. We receive
14 information as to what their qualifications are for certain
15 levels of jobs, and they require bachelor degrees, master's
16 degrees.

17 These positions are executive positions in different
18 corporations. It's published. You go through their Web sites
19 and their HR departments and get the listings of requirements,
20 qualifying requirements for certain level positions, salary
21 ranges and the rest, and they indicate what their educational
22 background requirements are, experience background
23 requirements are.

24 MR. COLBERT: Objection; foundation.

25 BY MS. PIETRINI:

LOPEZ

Q. How long does it take for the Foundation to interact with someone or business in order to obtain a contribution?

A. In many instances, it takes an extended period of time. It takes an opportunity -- a time through which we build relationship. They get to know us. They get to know what we do.

We do it through a series of meetings, introduction meetings and follow-up meetings and correspondence and proposals, sharing of marketing materials, references from other individuals that have been exposed to us or have a sense of the credible work that we do, and they share it with others.

But it takes anywhere -- sometimes I have pursued work and grants that have taken me a year and a half to be successful in achieving. A recent grant that we received from the Wells Fargo Foundation, we were in dialogue for close to 13 or 14 months before we actually got an award.

Q. What is the longest amount of time it has taken you to get a contribution for the Foundation?

A. Well, we have -- we have worked some -- there are some partners that have -- fall into that range of a year to 18 months, and there are -- there have been some instances where we have received contributions after an initial meeting. So that we -- it varies.

LOPEZ

But in some of those that we have -- it's taken shorter amounts of time, it's because of their knowledge, by having done their own research about us, by reference and referrals from other people that they trust and they rely on.

And so -- but on average, it's probably between three and six months for us to sort of hone in, if we have really something of serious opportunity, to continue to invest effort and time.

Q. When you deal with the people that you're trying to get contributions from or trying to get a grant or get someone to participate in one of the educational programs or events for the Foundation, do those people typically ask you questions?

A. Yes, many questions.

Q. What types of questions do they ask?

A. Well, they want to know who are we serving, what kinds of activities, what our mission is, what our vision is, who sits on our board of directors, what experience that we have in servicing different markets or doing activities in different markets, whether it's leadership development, what institutions of higher education are we affiliated with or do we work with, what corporations have invested in the past in us and what reports and accomplishments we have documented. There is a variety of things of that nature that they inquire

LOPEZ

about.

They look at our financial statements. They look at -- they research our standing through public sources, Dun & Bradstreet. They search our creditworthiness and standing as a not-for-profit charitable organization through Guide Star. Guide Star is a site -- is an organization that evaluates the standing of not-for-profit charitable organizations.

They look at -- and through their site, you can retrieve IRS 990 forms, which is required to be completed by every not-for-profit who is charitable, 501(c)(3), on an annual basis, particularly if you have revenue of over \$25,000, which we do.

So we -- they have -- they come armed, and they are very, very resourceful in doing their research and their due diligence before they grant us support. The foundations and the individuals with these foundations, philanthropic grants, do their due diligence before they award organizations with support.

Q. Do you know this based on your experience in interacting with the people who make contributions or provide the grants or agree to participate in the Foundation's programs?

A. Yes.

Q. Has anyone that you've dealt with in that capacity

LOPEZ

asked for references from the Foundation?

A. Yes, many, always.

Q. Has anyone ever asked for a copy of the 501(c) certification letter for the Foundation?

A. Yes, they have. That is a standard request, where they want to verify and confirm that we have a determination letter indicating that we are, in fact, a 501(c)(3) per IRS.

Q. In your experience with people who have made contributions to the Foundation, has the decision to contribute to the Foundation been made quickly?

A. Most of the time, it takes up to six months, on average, to get a contribution of substance. I mean, there are -- even individuals, our own board members, review -- before they contribute money to us, they review and by virtue of being on the board have access to our financial reports, our program reports, our relationships in many instances with corporate individuals that they can speak to as to what it is that we're delivering or not delivering, what deliverables we agreed to, whether or not we complied.

They look at audit reports that are done. We do independent financial audits every year. We have had program audits done by federal entities like the U.S. Department of Labor, and we share that.

It becomes part of our funding kit, what I was

LOPEZ

1
2 mentioning before, media kit and the funding kit. We have
3 some of these documents that are standard because we know that
4 people -- and they're good stories. I mean, we don't have
5 nothing to hide. So obviously, you want to -- when somebody
6 else is validating your integrity and your quality -- the
7 quality of your work, you want to share it with others, and we
8 do that.

9 Q. Do you -- in order to get contributions or grants or
10 participation in the Foundation events, do you conduct
11 personal meetings with the people you're interacting with?

12 A. Yes.

13 Q. And do you also conduct telephone phone calls?

14 A. I conduct telephone phone calls. We do conference
15 calls at times with groups of people from within a particular
16 division or group, different people representing different
17 groups within a corporation that make decisions on behalf of
18 the corporation. I've been individually with executives of
19 whatever entities we're working with. The same thing with
20 entrepreneurs, businessowners themselves.

21 Q. And you mentioned proposals in order to get the
22 grants?

23 A. Yes.

24 Q. Is that a standard practice where the Foundation has
25 to present a proposal to a corporate contributor in order to

LOPEZ

get the grant?

A. Yes.

Q. Generally speaking, how long are these proposals?

A. They -- they average from a short or two- to three-page -- the essence of it. When you attach the standard documents that we attach, it becomes a little bit thicker, because we attach, as I mentioned before, 501(c)(3) letter, our financial auditor statement, listing of board of directors, our bylaws that indicate our structure.

We indicate things of this nature get attached. But a proposal can be anywhere between three pages to 20 pages.

When we've done federal proposals in response to NOFAs, notice of funding availability, a standard term used in the federal government, those proposals can be an inch thick because of the forms that are required and the budget forms that are required and the deliverables and timelines and things of that nature that are required.

Q. Those are proposals that are completed by the Foundation and then submitted to the corporate --

A. That's correct.

Q. Have you ever done any presentations to any corporate partners to obtain grants or funding?

A. Yes.

Q. Are those in-person presentations?

LOPEZ

A. In-person presentations, yes.

Q. Generally, about how long are those?

A. Those can be anywhere between an hour and an hour and a half to two hours.

Q. In connection with those presentations, do you also prepare written materials?

A. Yes.

Q. Are those written materials given to the potential corporate partners or contributors?

A. Yes.

Q. Does the Foundation's logo appear on any of those written materials?

A. Always.

Q. When you've done presentations to contributors or to presenter grantors, have those presentations included like a PowerPoint presentation or some visual?

A. Yes.

Q. And have those visual materials, if you will, included the Foundation's logo?

A. Yes.

Q. In your experience with grantors and corporate participants or partners, has the decision to award a grant or participate in the Foundation's programs been made quickly?

A. Sometimes they have been made quickly. We have some

1 LOPEZ

2 corporate partners that, again, have an urgency to accomplish
3 certain kinds of activities, and they do their due diligence.
4 Once they have accomplished their due diligence and they
5 approach us, it's because they want to invest in us.

6 So we have some that have not taken more than two
7 weeks, two to four weeks, where we've gotten contributions of
8 between 25 and \$50,000.

9 Q. And is that the exception or the rule, in terms of
10 the speed in which someone makes a decision to participate?

11 A. That's more the exception than the rule.

12 MR. COLBERT: I'll object to the form.

13 MS. PIETRINI: Do you guys want to break for lunch?

14 MR. COLBERT: How much longer do you have?

15 MS. PIETRINI: Don't know.

16 MR. COLBERT: It's your examination. How can you
17 not know how much longer you have to go? It's not cross.

18 MS. PIETRINI: I'm hungry.

19 MR. COLBERT: Yeah. But the difference is I would
20 like -- if it's not long, I would like to be able to start
21 right after lunch myself and let us know how much longer --
22 how much lunch break we have. If you have 10 minutes, we
23 ought to go --

24 MS. PIETRINI: No, no, I have probably an hour. But
25 it's time to break for lunch. I mean, it is 12:30 and people

LOPEZ

need to have lunch.

MR. COLBERT: Okay. That's fine.

MS. PIETRINI: I'm not being facetious.

MR. COLBERT: 12:30. We'll be back at, what, 2:00?

MS. PIETRINI: No. We can be done in an hour or less. We had our lunch come in.

MR. COLBERT: We didn't. So I'm going to have to go and get lunch.

MS. PIETRINI: Let's start back at 1:30. That's an hour.

MR. COLBERT: 1:30. And I'll also, just for the record, say I hope Mr. Lopez can stay late or finish tomorrow because we have another hour and that gets us to 2:30. And I'm probably going to have at least as much time as you took. So we're almost certain not to get done by 5:00.

MS. PIETRINI: Guess we'll see how it goes.

(Whereupon, at 12:25 p.m., the deposition was recessed, to be reconvened at 1:30 p.m. this same day.)

LOPEZ

AFTERNOON SESSION

(1:36 p.m.)

Whereupon,

FRANK LOPEZ

resumed the stand and, having been previously duly sworn, was examined and testified further as follows:

BY MS. PIETRINI:

Q. We were talking before lunch, Mr. Lopez, about the amount of time that it takes for the corporate partners and contributors to make a decision to contribute to the Foundation. In your experience, have the decisions made by these others to award a grant or participate in the Foundation programs or to make a donation been made after careful consideration?

MR. COLBERT: Objection to form and foundation. I didn't want to interrupt you.

THE WITNESS: The answer is yes.

BY MS. PIETRINI:

Q. And why do you say that?

A. Because it is -- the inquiries, the questions that I get after the -- that I have to respond to suggest that they're examining the documents that they were asking for and doing their process of due diligence. So it's just informed by my experience.

I mean, I've been in this business for a substantial

LOPEZ

amount of time now, telling me that that's the way they do it, and that's the information that I get from them directly, that they are undertaking reviews, they need additional documents. So they're careful and deliberate with decisions that involve allocation of moneys and grants.

Q. Other than the 501(3)(c) certification, audited financial statements, bylaws and references, what other types of documents or information are the potential contributors or grantors asking for?

A. They're asking for references. They're asking for 990s, for historicals. They're asking for -- they're asking for program reports or deliverables and examples of what we have done before.

In some instances now, many of them will also ask for copies of video clips of advancement activities to demonstrate the kind of presence and the kind of participation of different people in the activities that we do.

Q. You mentioned the word "historical." What is that?

A. Historical, in terms of what our history has been with doing, for example -- we do youth entrepreneurship training. We always are looking to do more with additional support. That's one of the programs that we seek funding for from different partners.

They look for where do you do it, how many

LOPEZ

participants do you have, what were the outcomes of the students, how many go to school afterwards, how many did not, what businesses were created or proposed by the students and what kind of industries -- what kind of internship opportunities have you been involved with and what kind of caliber of people have you referred, how many placements have taken place in one corporation or another, how many mentors, what kind of mentors, what the profile of the mentors are.

We certainly look for mentors that have experience and education to match up with students. And so that's all the kind of information that they're looking for.

Q. And you also mentioned the word "deliverables." What does that mean?

A. Deliverables, in terms of actual -- if we said we were going to -- our training camp does an average 40 students, they want to see that, in fact, we have achieved that goal, meaning we delivered and produced 40 students. Or how many placements of those students do we anticipate making in internships. They sort of look to make sure that we have met those milestones, those goals, those numerical kind of targets.

Q. Does the Foundation work with any other Hispanic chambers of commerce?

A. We work with many Hispanic chambers of commerce

1 LOPEZ

2 across the country, over -- close to 200 are affiliated with
3 us from across the country, from Hawaii to Puerto Rico.

4 Q. Can you give me examples of the names of some of the
5 Hispanic chambers of commerce that the Foundation has worked
6 with?

7 A. You have -- you have many of them that are by
8 national origin, like the Bolivian Chamber, the Colombian
9 Chamber, the Argentine Chamber, Salvadoran Chamber.

10 Then you have some that are by Hispanic, El Paso
11 Hispanic Chamber of Commerce, California Hispanic Chambers of
12 Commerce, TAMACC, which is Texas Association of
13 Mexican-American Chamber of Commerce. You have Broward-Puerto
14 Rican Chamber of Commerce. You have the Puerto Rico Chamber
15 of Commerce.

16 So some of them are geography. Some of them --
17 always infer Hispanic association, either by "Hispanic" in
18 their name or a group like Mexican-American or one of the ones
19 that I mentioned before that has a Hispanic Latin American
20 country in their name of the organization.

21 Q. Do you personally work with these other Hispanic
22 chambers of commerce in connection with your job at the
23 Foundation?

24 A. Yes.

25 Q. Do these other Hispanic chambers of commerce offer

LOPEZ

similar types of services that the Foundation offers?

A. At a local level, they do. In some instances, what we're looking to do is expand their ability to do more services, services that may have not been contemplated.

MR. COLBERT: I'll object to foundation.

BY MS. PIETRINI:

Q. Have you ever become aware of any of the other Hispanic chambers of commerce being mistaken for the Foundation?

A. No.

Q. If that happened, would you be made aware of that fact?

A. Likely, yes.

Q. Why is that?

A. Because people would ask me about it. They would inquire and seek to resolve the confusion, if, in fact, there is any, that they may have with us. But that has not been the case.

Q. Is it also because of the size of the Foundation?

MR. COLBERT: Object to leading form of the question.

THE WITNESS: Yes, the size of the Foundation. There's only three of us on the Foundation staff, so I am familiar with everything that happens in that organization. I

1 LOPEZ

2 mean, it's a small -- I wear many hats. I answer the phones
3 occasionally and talk to people directly.

4 BY MS. PIETRINI:

5 Q. Is there a list of other Hispanic chambers or other
6 chambers of commerce that the Foundation works with?

7 A. Yes.

8 MR. COLBERT: Object to the form of the question as
9 compound.

10 THE WITNESS: Yes.

11 BY MS. PIETRINI:

12 Q. You understood the question?

13 A. Yes.

14 Q. Where are those lists located?

15 A. The lists are -- for one, you get -- it's online.
16 We have on the Hispanic Chamber Web site, there's a tool with
17 a map that you can click state by state, and it will produce
18 on the side of the screen a list of those chambers that are
19 members of the Hispanic Chamber in that state, with contact
20 information, Web site, phone numbers, things of that nature,
21 their name.

22 Q. Anywhere else that list appears?

23 A. It is in -- it's available in print, and we
24 distribute it in the print form upon request to members of
25 ours, members of the Hispanic Chamber. Some chambers may

LOPEZ

inquire to get a list because they're doing some activity regionally and they want to invite other chambers, so they may ask for it in a different form other than the one electronically.

Q. Take a look back at Applicant's Exhibit 5, which is the Web site of the Hispanic Chamber, and if you take a look at page 2073 through to 2138. Okay. Is this the list that you were describing in your testimony earlier about the list of Hispanic chambers of commerce that the Foundation works with?

A. Yes.

Q. And take a look at the 25th anniversary convention magazine, which we marked as Exhibit 22, please. And take a look at page 3707. Do these -- beginning on 3707 and continuing on, does this magazine reflect the Hispanic chambers of commerce that the Foundation works with?

A. Yes, this is the same list that's produced in every convention magazine. I mean, whatever the current list is of that given year, it gets imprinted or printed as part of it.

Q. The list varies as the membership in the Hispanic Chamber changes?

A. Right.

Q. Listing all of these Hispanic chambers of commerce, is it your testimony that the Foundation has never experienced

LOPEZ

any mistake or confusion with them?

MR. COLBERT: Objection; foundation.

THE WITNESS: That's correct.

BY MS. PIETRINI:

Q. Have you personally received any comments from anyone asking if there was a connection or affiliation between the Foundation and any of these Hispanic chambers of commerce?

A. These Hispanic chambers of commerce?

Q. Correct, "these" referring to Exhibit 22.

A. I have had inquiries asking whether or not they are members of the Hispanic Chamber. If they are on our list, I would check. And if they're not on our list, then I would try to encourage those chambers to become members.

Q. Has --

A. Hispanic Chamber, that is.

Q. Right. Has anyone mistaken -- made a comment to you that would indicate that they were mistaken between any of these Hispanic chambers of commerce that are reflected here in Exhibit 22 for the Foundation, that somebody mistook one of those chambers of commerce for the Foundation?

A. No.

MR. COLBERT: Object to the form.

BY MS. PIETRINI:

Q. And you mentioned a couple other chambers of

LOPEZ

commerce that you were familiar with, Salvadoran Chamber of Commerce. Is the full name Salvadoran-American Chamber of Commerce?

A. I believe that's the name, that's correct.

Q. Has the Foundation ever been mistaken for the Salvador-American Chamber of Commerce?

A. No.

Q. Have you ever received any comments to that effect?

A. No.

MR. COLBERT: Foundation.

BY MS. PIETRINI:

Q. Do you work with the Salvadoran-American Chamber of Commerce?

A. Yes, we have.

Q. And that's in connection with your responsibilities as president and CEO of the Foundation?

A. Correct.

Q. You also mentioned the Colombian-American Chamber of Commerce. Is the full name Colombian American Chamber of Commerce USA?

A. Yes.

Q. Do you work with that organization?

A. Yes, we do.

Q. Do you work with that organization in connection

LOPEZ

with your responsibilities as president and CEO of the Foundation?

A. Yes.

Q. Has anyone ever indicated to you that they have mistaken the Colombian-American Chamber of Commerce USA with the Foundation?

A. No.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. Are you familiar with the American -- I'm sorry. Are you familiar with the Argentine-American Chamber of Commerce?

A. Yes.

Q. And do you work with that organization as part of your responsibilities for the Foundation?

A. I have.

Q. Has anyone ever indicated to you that they were mistaken or confused the Argentine-American Chamber of Commerce with the Foundation?

A. No.

MR. COLBERT: Objection to the question.

BY MS. PIETRINI:

Q. Are you familiar with the Hispanic-American Chamber of Commerce?

LOPEZ

A. Yes.

Q. Do you work with that organization as part of your responsibilities with the Foundation?

A. Yes, I have.

Q. Has anyone ever said to you or indicated that they were confused between the Hispanic-American Chamber of Commerce and the Foundation?

A. No.

MR. COLBERT: Object to the question.

BY MS. PIETRINI:

Q. You also mentioned the Bolivian-American Chamber of Commerce?

A. Uh-huh.

Q. You have to say "yes" or "no."

A. Yes, I'm sorry.

Q. That's okay.

Do you work with the Bolivian-American Chamber of Commerce as part of your responsibilities for the Foundation?

A. I have.

Q. Has anyone ever indicated to you that they were mistaken or confused between the Bolivian-American Chamber of Commerce and the Foundation?

A. No.

MR. COLBERT: Objection. Same objection to the

LOPEZ

question.

BY MS. PIETRINI:

Q. Are you aware of the United States-Mexico Chamber of Commerce?

A. Yes, I am.

Q. Do you work with the United States-Mexico Chamber of Commerce as part of your responsibilities for the Foundation?

A. Yes.

Q. Has anyone ever indicated to you that they were confused or mistook the United States-Mexico Chamber of Commerce with the Foundation?

A. No.

MR. COLBERT: Same objection.

BY MS. PIETRINI:

Q. Are you familiar with the Spain-U.S. Chamber of Commerce?

A. Yes, I am.

Q. Do you work with that organization as part of your responsibilities for -- with the Foundation?

A. Yes, I have.

Q. Has anyone ever indicated to you or stated that they were confused or mistook the Spain-U.S. Chamber of Commerce with the Foundation?

A. No.

LOPEZ

MR. COLBERT: Same objection.

BY MS. PIETRINI:

Q. If any of those instances had happened of mistaken identity or confusion, would you be made aware of that fact?

A. Yes.

Q. Why is that?

A. Because I am the president of the U.S. -- of the Foundation, and if they -- there's only three of us. If they have confusion and would have any questions, it would come to my attention. But it has not been the case.

Q. And that's during the entire six years of your employment at the Foundation?

A. That's correct, that's correct.

Q. Are you aware of the U.S. Chamber of Commerce?

A. Yes.

Q. Where is the U.S. Chamber of Commerce located?

A. It is located here in Washington, D.C. I believe that they are located not too -- across Lafayette Park, close to the vicinity of the White House.

Q. How far is that from the Foundation's offices?

A. Less than a mile.

Q. Has the Foundation ever interacted with the U.S. Chamber of Commerce on any programs or other matters?

A. Could you repeat that question?

1 LOPEZ

2 Q. Has the Foundation ever interacted with the U.S.
3 Chamber of Commerce on any programs or other matters?

4 A. In one instance, yes.

5 Q. Can you describe for me what that was?

6 A. We had -- I had been referred -- Mr. William Kovacs,
7 who was -- at the time worked for the U.S. Chamber, was
8 seeking to have the Hispanic Chamber, and subsequently the
9 Foundation, involved with an organizing effort around
10 teleconsensus, telecommunications.

11 And so I had received e-mail correspondence with
12 attachments around what their interest was, and was inviting
13 the Hispanic Chamber to be part of that consensus,
14 teleconsensus effort.

15 Given my background in telecommunications, they --
16 and experience, it had come to -- it had been sent over to me
17 for my attention, and that was the extent of it. We never --
18 I never participated in a meeting with them, other than he did
19 participate -- was asked to participate as a panel member at
20 the legislative conference that we had that year here in
21 Washington, D.C. I believe that was two years ago.

22 And we -- the Foundation, as we have done in other
23 instances, would, through our video crews, would film the
24 activities, including that workshop. And we did film his
25 presentation, in addition to all the other panelists at that

LOPEZ

workshop. And we have since then had that video clip on our Web site, with many others. So that's the one instance where I can recall.

Q. Did the Foundation have a presence at that legislative conference?

A. Yes, yeah.

Q. Was it '05 or '06?

A. '06.

Q. Was the Foundation logo visible anywhere at that conference?

A. Yes.

Q. Where was it located?

A. In all of the panels, the directionals, in the welcome banners that we do as you enter the locations where we have our activities. So it was very visible throughout. The program had our logo with the Hispanic Chamber.

Q. Do you know what Mr. Kovacs's title is at U.S. Chamber?

A. I believe it's vice president. Exactly the full title, I believe it's on -- or at least at the time. We even have his title on the video clip.

Q. At any time, did Mr. Kovacs indicate to you that the U.S. Chamber of Commerce objected to the use of the Foundation's logo?

LOPEZ

A. No.

Q. Did he ever send you a letter after that conference?

A. No.

Q. Did anyone else at the U.S. Chamber of Commerce ever send the Foundation a letter, objecting to the use of the Foundation's logo?

A. No.

Q. Did you ever receive any telephone calls from Mr. Kovacs or anyone else at the U.S. Chamber of Commerce, objecting to the use of that logo?

A. No.

Q. At any point in time, has the Foundation received any letters or any other communications from the U.S. Chamber of Commerce, objecting to the use of the Foundation's logo?

A. No.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. Did you review the records of the Foundation to verify this fact?

A. Yes.

Q. Has the Foundation ever received a letter from any lawyers for the U.S. Chamber of Commerce, objecting to the use of the Foundation's logo?

A. Not to my knowledge.

LOPEZ

Q. Did you verify that fact?

A. Yes.

Q. How did you verify it?

A. By looking at our correspondence and also speaking to our attorney, in case she may have received a correspondence on our behalf.

Q. Did anyone ever tell you -- anyone at the Hispanic Chamber ever tell you that the U.S. Chamber of Commerce had objected to the Foundation's logo, to the use of it?

A. No.

MR. COLBERT: Could you read the question and answer back, please?

(The reporter read the record as requested.)

BY MS. PIETRINI:

Q. Did anyone ever tell you who had worked at the Foundation previously that the U.S. Chamber of Commerce had objected to the use of the Foundation's logo?

A. No.

Q. Take a look back at what we've marked as Applicant's Exhibit 4, which is the Web site of the Foundation. Can you describe for me where the videos are located on this Web site, video clips that you've testified to in your testimony?

A. The video clip from Mr. Kovacs is listed on the left-hand panel of the -- or column of the front page, on the

LOPEZ

bottom, there is a section which as you scroll down on the screen, you will see a logo, it's "USHCC Foundation TV."

And you click through there, and that has all of our videos of different -- and different searches and channels. And the legislative conference channel for 2006, we have the video clip of Mr. Kovacs, with video clips of many other people that participated.

Q. So is that a link that you just click through and then you can find whatever video clip you're looking for?

A. Yeah, yeah.

Q. If you take a look at page 7241 of Exhibit 4, there's a reference to William Kovacs down on the right-hand side.

A. Yes.

Q. Is that the gentleman from the U.S. Chamber of Commerce that you are referring to?

A. That's correct.

Q. Is this video clip on the Foundation's Web site today?

A. Yes.

MS. PIETRINI: We're going to mark as Exhibit 23 -- and you guys got a copy of this yesterday -- a DVD marked 7267, and I'll get some extra copies.

MR. COLBERT: When did we receive that?

LOPEZ

MS. PIETRINI: Yesterday.

MR. COLBERT: Did we receive it yesterday?

MR. KANE: It just showed up today.

MR. COLBERT: It was delivered today. Thank you.

And we haven't seen it yet because we've been here all day.

MS. PIETRINI: Okay. It was delivered yesterday to your offices, so I don't know what the issue is.

MR. COLBERT: Well, we'll find out when it was delivered and get back.

(Applicant's Exhibit 23 identified.)

BY MS. PIETRINI:

Q. Mr. Lopez, we're showing you a DVD that's been marked as Applicant's Exhibit 23. Can you describe for us what that DVD is and what it represents?

A. That DVD contains the video clip of Mr. Kovacs making his presentation at a workshop sponsored by the Hispanic Chamber and Foundation at the legislative conference of 2006.

Q. Was that -- is this the video clip that was filmed by the Foundation staff?

A. That's correct.

Q. Is this the video clip that is on the Foundation's Web site?

A. That's correct. I should say yes.

LOPEZ

MR. COLBERT: Object to foundation.

BY MS. PIETRINI:

Q. Have you reviewed that video clip, Mr. Lopez?

A. Yes, I have.

Q. And does that video clip that's reflected on the DVD that's marked as Exhibit 23, is that the same one that appears on the Web site for the Foundation?

A. Yes.

Q. Have you reviewed the video clip on the Foundation's Web site of Mr. Kovacs?

A. Yes.

Q. You mentioned teleconsensus. Can you explain to us what that is?

A. During that session of Congress or during the year 2006, there was consideration of renewal of the Telecommunications Act, and there was some provisions associated with that act around competitiveness, for one, around different competition between the cable and the wire -- the traditional telecoms.

And as I understood it, the U.S. Chamber, Mr. Kovacs in particular, sought to bring together a consensus of many organizations around issues that were of interest to the U.S. Chamber. So it was a coalition that they were forming of different groups, national groups here in Washington and

LOPEZ

elsewhere.

Q. Who was it a coalition of?

A. It was a coalition -- as I understood it from the conversation or from the material received from Mr. Kovacs, it was -- it included the National Black Chamber of Commerce, the Asian Chamber of Commerce, all the ethnic and minority national chambers here in Washington, as well as corporations like the cable industry, their national trade association group, I believe it's called the National Cable Telecommunications Association. Verizon, AT&T, and it was that kind of group of people. It was extensive. Or as far as I knew, it included a number of -- a good 15 or 20 organizations.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. You said that it included minority chambers as well?

A. Yes.

Q. Did it include any Hispanic chambers?

A. They were asking -- no, not -- not to my knowledge, no. There were none listed in the material that I received. He was seeking to have the national Hispanic Chamber and/or the Foundation be listed as partners.

Q. Mr. Kovacs was seeking to have the Foundation and/or the Hispanic Chamber as participants in this?

LOPEZ

A. That's right.

Q. Okay. And you know that based on your conversations with Mr. Kovacs?

A. Based on correspondence that I received from him, explaining -- he provided me a list and an explanation, documents explaining what the teleconsensus group was all about and what the general positions were. I would have to go and review them, but there was documents that he sent as part of letters and e-mail correspondence attached to e-mails.

Q. Did you respond to Mr. Kovacs?

A. I sought -- inquired with him. I recall having at least some e-mail exchanges with him, and that was the extent of it. And other than the participation that he had on the panel, that was the extent. I did not attend any teleconsensus meetings.

Q. Did you attend the 2006 legislative conference where Mr. Kovacs appeared?

A. Yes.

Q. Did you introduce yourself?

A. Yes.

Q. Did you give him one of your business cards?

A. Yes, I did.

Q. That's one of your business cards with the Foundation logo; correct?

LOPEZ

A. That's correct.

Q. Does the Foundation receive mail at its offices?

A. Yes, we do.

Q. Has the Foundation ever received any mail that was intended for the U.S. Chamber of Commerce?

A. No.

Q. If that happened, would you be made aware of that fact?

A. Yes.

Q. Why is that?

MR. COLBERT: Object --

THE WITNESS: The person that receives the mail is my executive assistant, and she would bring it to my attention if it wasn't our mail as to who to forward it to or it was an obvious error in address. I mean, if it had our address and just a name, she would bring it to my attention.

But there's no -- I don't have any recollection of that ever happening.

BY MS. PIETRINI:

Q. Does the Foundation have an e-mail account whereby people that work for the Foundation can receive e-mail from outside sources?

A. Yes.

Q. How long has the Foundation had an e-mail account?

1 LOPEZ

2 A. We've had e-mail accounts throughout my tenure
3 there. Initially, the e-mail account was under the domain
4 ushcc.com. And then in 2003, we moved over to
5 ushccfoundation.org. So in one instance or the other, we've
6 had e-mail accounts throughout my tenure there.

7 Q. Has the Foundation ever received any e-mail that was
8 intended for the U.S. Chamber of Commerce?

9 A. No, not to my knowledge.

10 MR. COLBERT: Objection; foundation.

11 BY MS. PIETRINI:

12 Q. Have you personally received any e-mail that was
13 intended for the U.S. Chamber of Commerce?

14 A. No.

15 Q. If the Foundation had received e-mail that was
16 intended for the U.S. Chamber of Commerce, would you be made
17 aware of that?

18 A. I would believe so, yes.

19 Q. Why is that?

20 A. Because, again, it was something that has to do
21 with any organization that's asking of us for a service or
22 something, and they would bring it to my attention. I would
23 be aware of it.

24 Q. Does the Foundation have a telephone number that
25 people outside the Foundation can use?

1 LOPEZ

2 A. Yes.

3 Q. What is that number?

4 A. It's 202-429-0516.

5 Q. Has the Foundation ever received any phone calls
6 that were intended for the U.S. Chamber of Commerce?

7 A. No.

8 MR. COLBERT: Objection; foundation.

9 BY MS. PIETRINI:

10 Q. If that happened, would you be made aware of that
11 fact?

12 A. Yes.

13 Q. Why is that?

14 A. Because, again, of my oversight and operational
15 role. And we're a small group, so anybody -- any inquiries
16 would come to my attention.

17 Q. Have you personally received any telephone calls
18 that were intended for the U.S. Chamber of Commerce?

19 A. No.

20 MR. COLBERT: Objection; foundation.

21 BY MS. PIETRINI:

22 Q. How do you answer the phone, Mr. Lopez, when you
23 answer it?

24 A. I answer "Frank Lopez. Good afternoon, Frank Lopez.
25 Can I help you? USHCC Foundation." On my voicemail, it

LOPEZ

identifies me by title and by affiliation with the USHCC Foundation.

Q. Have you ever received any voicemails where a message was left to indicate that the person was looking for the U.S. Chamber of Commerce?

A. No, I have not received any.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. Do you check your voicemail on a regular basis?

A. Every day.

Q. Have you been made aware of any instances in which the Foundation has been confused with the U.S. Chamber of Commerce?

A. No.

Q. If that had happened, would you be made aware of that fact?

A. Yes.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. Why is that?

A. Because of my role in leading the organization and because of my operational oversight and because of the small size of our staff, things like that would come to my attention.

LOPEZ

Q. Have you ever been made aware of any instances in which the Foundation's logo has been mistaken as identifying the U.S. Chamber of Commerce?

A. No.

Q. If that happened, would you be made aware of that fact?

A. Yes.

MR. COLBERT: Objection; foundation.

BY MS. PIETRINI:

Q. Why is that?

A. Same. Anything confusing or that would interpret our brand to be different or related to somebody else would be brought to my attention, but not the case. There's no recollection that I have of that ever happening.

Q. Have you ever received or heard any comments from anyone, asking if the Foundation was a division or part of or affiliate of the U.S. Chamber of Commerce?

A. I've never had that question posed to me.

Q. Has anyone ever mistaken your employment at the Foundation as being that of the U.S. Chamber of Commerce?

A. No.

MR. COLBERT: Objection to the form of the question.

BY MS. PIETRINI:

Q. Have you ever been told by anyone that worked for

LOPEZ

the Foundation that there had been confusion between the Foundation's logo and the U.S. Chamber of Commerce?

A. No, I have not been told that.

Q. Did you attend the 2006 annual convention for the Hispanic Chamber?

A. Yes, I did.

Q. Where was that located?

A. In Philadelphia, city of Philadelphia.

Q. Were you a speaker?

A. Yes.

Q. How many people attended that conference?

A. Over 4000.

Q. Was that considered to be a well-attended convention for the Foundation and the Hispanic Chamber?

A. Yes.

Q. Why do you say that?

A. Because of the size. I mean, 4000 is a good-sized group. Once we break 4000, in terms of attendance, that's considered a success.

Q. Have you been at previous conventions, Hispanic Chamber conventions, with about the same number of attendees?

A. Yes.

MR. COLBERT: Objection to the form of the question.

BY MS. PIETRINI:

LOPEZ

Q. Can you describe the convention setup at the 2000 convention?

A. The 2006?

Q. Yeah, sorry.

A. 2006. Well, we -- the convention center was -- we were the principal tenants of the convention center for the duration of the convention, which is from Wednesday through Saturday evening. We occupy -- we occupied a substantial amount of space, including over 200,000 square feet of our exhibit space, over 15 to 20 meeting rooms, including the large auditorium that's available within the convention center, with a stage, theater style. There's only one theater-style -- as of that date, there was only one major theater-style room that occupied -- that seated about 750 people.

The lunch facilities, big ballroom, what we use for breakfast, lunches and the gala event on Saturday.

We had the headquarter hotel of the convention was the Marriott that has a direct connect to the convention center. We had other secondary hotels that were part of our rooming block where people were staying in the vicinity of the convention center.

So it was -- and there was substantial branding, including banners on the streets that are produced -- were

LOPEZ

produced by the Convention and Visitors Bureau that identified "Welcome United States Hispanic Chamber of Commerce Convention Participants," something to that effect. Those were throughout the convention -- the downtown area around the convention center.

Q. Were there any convention halls used by the Chamber and the Foundation for that convention?

A. Yes.

Q. About how many of those were used?

A. Convention hall? Well, we had all the major rooms of that convention center, the larger rooms -- as you come into the convention center in Philadelphia, there's a major entrance with the major ballroom being on the topside. Escalators go up, and then there's meeting rooms as you go into the exhibit section of the convention center.

And there's different floors. We had the exhibit portion, the corridors going in with exhibitors. We had the rooms going through that corridor occupied with training and workshops.

We had the ballroom where we, again, reserved for breakfast, lunch and dinners during that period of time. All of that was occupied by the Hispanic Chamber and the Foundation.

Q. Were there meeting rooms used for that convention as

LOPEZ

well?

A. Yes, meeting rooms. In addition to the major ballrooms, there were a significant number of meeting rooms. I would have to go back and do a count, but I would estimate a good 15 to 20 meeting rooms that were being used, many of them concurrently.

Q. Then you also mentioned there was 200,000 square feet of exhibitor space?

A. Of exhibit space.

Q. At the convention halls --

A. But over -- I'm sorry, over -- we had over 250 exhibitors.

MR. COLBERT: Are you finished? I was just going to object to foundation.

MS. PIETRINI: Go ahead, insert your objection.

MR. COLBERT: I did.

MS. PIETRINI: Fine.

MR. COLBERT: I just did.

BY MS. PIETRINI:

Q. At the convention halls, were there a lot of people present during the convention?

A. Yes.

Q. How many conventions have you been to for the --

A. Consecutively, I have been to every convention since

1 LOPEZ

2 2002, as an employee of the Foundation. And I -- prior to
3 being an employee of the Foundation, early 2000 -- 2001, 2000,
4 I attended those conventions. One was after 9/11 in Atlanta.
5 The previous one was in Washington, D.C.

6 In prior years, I had attended at least two or three
7 over the span of my career. So that was between 1990 and the
8 early 2000s.

9 Q. And going back to the question, at the convention
10 halls, were there a lot of people present?

11 A. Yes, yes.

12 Q. Were the convention halls noisy?

13 A. Yes.

14 Q. Was there music playing in the background?

15 A. There was music playing in the background, yes.

16 Q. Were there any public announcements over the PA
17 system?

18 A. There were public announcements over the PA system,
19 yes.

20 Q. Did you talk to anyone while you attended the
21 convention, in the convention halls?

22 A. Yes.

23 Q. Was it easy to hear who you were speaking with?

24 A. It was at times very noisy, and at times you would
25 have to look to find a quiet space outside or in an area where

1 LOPEZ

2 there was very little traffic. You would have to find a
3 private room or so to have a more intimate conversation.

4 But it was very noisy, and conversations were very
5 often interrupted.

6 Q. Did you talk to anyone at the meeting rooms?

7 A. In the meeting rooms, I was a presenter, panelist on
8 a number of sessions, introducing speakers. And for that we
9 had a loud -- an amplifying system with microphones to project
10 for the audience.

11 Q. After you did your presentation or before you did
12 your presentation, did you talk with anyone in the meeting
13 rooms?

14 A. Yes, I would -- I would be approached by many people
15 to want to ask me questions, and it was kind of hard to
16 entertain a conversation without interruptions, though,
17 because of the noise level.

18 Q. Was it easy to hear who you were speaking with?
19 This was at the meeting halls.

20 A. In the meeting halls, it was not necessarily easy to
21 hear who I was speaking with.

22 Q. Did you talk to anyone in the hallways at the
23 convention?

24 A. Yes.

25 Q. Was it easy to hear who you were speaking to during

LOPEZ

those hallways or in those hallways?

A. It was very interrupted, kind of short conversation, because of the noise, traffic, people moving in different directions, people recognizing me as the president of the Foundation, wanted to meet me or wanted to introduce themselves to me. So there was constant interruptions.

Q. Were you -- were you interrupted while speaking to someone at the convention halls?

A. Yes.

Q. Were you interrupted while speaking with someone at any of the meeting halls?

A. Yes.

Q. Or meeting rooms?

A. Yes.

Q. And were you interrupted while speaking to anyone in the hallways at the convention?

A. Yes.

Q. Did anyone ever mistake your employer when you were at that 2006 convention?

A. No.

MR. COLBERT: Object to the form of the question.
Object to foundation.

BY MS. PIETRINI:

Q. Did anyone ever -- did you encounter any instance at

LOPEZ

the convention hall where the person you were talking to could not hear you?

A. Yes.

Q. How often did that happen?

A. Often.

Q. Did anyone ever make any comments to you that would indicate that they were mistaken as to who your employer was at that convention?

A. No.

Q. Did you encounter any instance at any of the meeting halls where the person you were talking to could not hear you?

A. Yes.

Q. How often did that happen?

A. Often. Again, it was noisy.

Q. Did you encounter any instance in the hallways of the convention where the person you were talking to couldn't hear you?

A. Yes.

Q. Did that happen often?

A. That happened often, yeah.

Q. Was there a badge for the convention?

A. Yes.

Q. Were there any logos used on that badge?

A. Yes.

LOPEZ

Q. What logos were used?

A. The logo of the Hispanic Chamber and the Foundation.

Q. Did anyone ever tell you that they mistook the U.S. Chamber of Commerce for the Foundation at the convention?

A. No.

MR. COLBERT: Object to foundation.

BY MS. PIETRINI:

Q. Did anyone ever tell you that they mistook an employee of the U.S. Chamber of Commerce for an employee of the Foundation?

A. No.

Q. And this was at that convention?

A. Right.

MR. COLBERT: Same objection.

BY MS. PIETRINI:

Q. Did anyone make any comments that would lead you to believe that they had mistaken an employee of the U.S. Chamber for an employee of the Foundation?

A. No.

Q. Did anyone make --

MR. COLBERT: Same objection.

BY MS. PIETRINI:

Q. Did anyone make any comments or indicate in any way that they mistook the U.S. Chamber of Commerce for the

LOPEZ

Foundation at the convention?

A. No.

MR. COLBERT: Same objection.

BY MS. PIETRINI:

Q. Did anyone ever tell you that they mistook an employee of the U.S. Chamber of Commerce for an employee of the Hispanic Chamber at the convention?

A. No.

MR. COLBERT: Same objection.

BY MS. PIETRINI:

Q. Did anyone indicate or make any comments that would lead you to believe that they mistook an employee of the U.S. Chamber of Commerce for an employee of the Hispanic Chamber?

A. No.

MR. COLBERT: Same objection.

MS. PIETRINI: If we could take just a quick break.

(Recess.)

BY MS. PIETRINI:

Q. Going back to the presentation that Mr. Kovacs did at the 2006 legislative conference, did you watch him speak?

A. Yes, I did.

Q. Did you stay for his entire presentation?

A. Yes, I did.

Q. Why is that?

1 LOPEZ

2 A. Because it was a major topic of interest to the
3 Foundation, and it also included the major -- the four other
4 panelists on that group, on that workshop, were all major
5 contributors and partners of the Foundation: Verizon, AT&T,
6 Comcast and Sprint. And we have a very dynamic relationship
7 with them, and hence my interest in telecommunications, I
8 stayed throughout.

9 Q. During his speech, did Mr. Kovacs thank the Hispanic
10 Chamber or the Foundation for allowing him to do the
11 presentation?

12 A. Yes, yes. He was very cordial about that.

13 Q. When was this opposition filed, this case that we're
14 involved in now, do you know?

15 A. I believe it was filed before I started at the
16 Foundation.

17 Q. Has it been ongoing since you've been at the
18 Foundation?

19 A. Yes, it has.

20 Q. Do you know when the U.S. Chamber of Commerce first
21 started to complain about the registration of the Foundation's
22 logo?

23 A. I believe it was during the summer of 2002.

24 Q. You started in May of 2002?

25 A. Right, exactly.

LOPEZ

Q. Has the challenge to the Foundation's logo hurt the Foundation in any way?

A. Yes, it has.

Q. How is that?

A. It impaired our ability to focus, to do any changes or count on our brand to be registered. It has created financial hardship on us by virtue of costs that we've had to incur. Even though we are very fortunate to have pro bono legal support, that is pro bono legal support that we can't use for other purposes that are beneficial to our members. So that is substantial.

And with the proceedings, including the proceeding here, there's a cost that we -- direct cost that we have to incur. We're spending -- Hispanic Chamber and the Foundation are spending direct about \$60,000, at a minimum, on direct costs. This is money that -- for as small an organization as we are, this is money that would be well served being applied towards the services that we do, for entrepreneurship, scholarships. We could use it in a variety of different ways.

But it's been distracting. It's taken time away from me, from others, to concentrate on helping ensure that we're looking at the records, we're protecting our existence and history over here. And it's been very unfortunate.

Q. In this proceeding --

LOPEZ

MR. COLBERT: Object to general relevance of the question.

Go ahead.

BY MS. PIETRINI:

Q. This proceeding has been ongoing for the full six years that you've been at the Foundation?

A. Yes.

Q. Would it help the Foundation if its constituents, which I think you identified as local Hispanic chambers, Hispanic businesses and corporate partners, believed that the Foundation was part of the U.S. Chamber?

A. Would it help? I don't believe it would. I think -- I don't believe it would, no.

Q. Do you want the Foundation's constituents --

MR. COLBERT: I object to the form of the question. I was trying not to interrupt.

BY MS. PIETRINI:

Q. Do you want the Foundation's constituents to believe that the Foundation is a division or part or affiliate of the U.S. Chamber?

A. No, no, we value our independence. We value our sense of identity, and our mission is very specific to the Hispanic business community and Hispanic chambers. That is our direct niche that we have worked with through the Hispanic

1 LOPEZ

2 Chamber now going on 30 years, through the Foundation going on
3 15. So we protect that. We value that. It's taken a lot of
4 effort to establish that brand, that sense of independence.

5 Q. Has anyone at the Foundation expressed any comments
6 to you that would lead you to believe that it would be helpful
7 for the Foundation to be thought of as being part of the U.S.
8 Chamber?

9 A. No.

10 MS. PIETRINI: At this point, I'd like to move the
11 exhibits into evidence, and it's the end of my direct. But
12 before we go on to cross-examination and before I forget is
13 I'd like to have a stipulation that he can sign the testimony
14 before -- just under penalty of perjury, not before a notary?

15 MR. COLBERT: I have no problem with stipulating to
16 that.

17 MS. PIETRINI: Okay. Otherwise, I'll forget if I
18 don't ask you now.

19 (Discussion off the record.)

20 MR. COLBERT: I'll object as to foundation on
21 Exhibits 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 20 and 21 and 22.
22 And I object to -- and I object to 23. Basis: I haven't seen
23 it, I haven't viewed it. It was not delivered to my
24 possession prior to today, which I understand it's at my
25 office now. I will reserve on that one because I have no idea

1 LOPEZ

2 what's in it.

3 MS. PIETRINI: Okay. We obviously dispute as to
4 when that videotape and other documents were delivered to your
5 office, but there's no need to belabor the point now.

6 MR. COLBERT: I think the only one we raised
7 objection as to delivery date was the DVD, not any other
8 documents, at least at this deposition, I think.

9 MS. PIETRINI: Right. It came with the other
10 documents yesterday. I don't know if you understand that.

11 MR. COLBERT: I mean, other documents that we used
12 today?

13 MS. PIETRINI: Business card was included in that
14 and a couple other things.

15 MR. COLBERT: I'm not objecting to his business
16 card, though I haven't seen it before.

17 MS. PIETRINI: I would hope not, but you never know.

18 MR. COLBERT: I don't know what's in the package, is
19 all I can say.

20 THE WITNESS: Here you go.

21 MS. PIETRINI: You get an extra.

22 MR. COLBERT: Thank you.

23 MS. PIETRINI: Let's switch positions.

24 (Recess.)

25

LOPEZ

CROSS-EXAMINATION

BY MR. COLBERT:

Q. Good afternoon, Senor Lopez. How are you?

A. Good afternoon.

Q. In case you don't remember, I'm Ed Colbert, and I represent the chamber of commerce. I want to try -- and you'll forgive me if I sometimes bounce from one subject to another. I won't be quite as organized as your counsel. I was hearing some of this for the first time today. I'm going to clear up some questions that I had in my mind.

I wanted to start first with a little bit of the history of the Foundation and your position at the Foundation and its interaction with the National Chamber, if that's okay.

A. Sure.

Q. All right. You came in 2002 I understand; right?

A. That's correct.

Q. And you currently have a staff of three?

A. Yes.

Q. How many staff were there at the time that you came in 2002?

A. Besides myself, two.

Q. Two, okay.

A. I'm sorry. With myself, two.

Q. Okay. So you've grown by one since then?

LOPEZ

A. We grew to five and we're now down to three.

Q. Was there a reason? Why did you grow to five and then drop to two? Can you say why?

A. We have some vacancies that people are on maternity leave and they left for other employment, so we haven't filled the vacancies.

Q. All right. So when you came in 2002, were there just two positions, yours and one other?

A. That's correct, yes.

Q. So since you came, you've grown to having five slots, even if you only have three people now?

A. Yes.

Q. I think at one point, you said that there were as many as six. Were there as many as six slots, or did you mean five?

A. We have had up to six people, yes. But it was a short period of time, around convention time.

Q. Would it be fair to say those were like temporary during the convention period?

A. Yes, right.

Q. Prior to your coming in 2002, did you have -- stop that a minute.

You identified yourself as president at one point of the Foundation. Another time you identified yourself as the

LOPEZ

leader of the Foundation. Have you always had the title "president"?

A. No. When I first came on, title was executive director.

Q. That was in 2002. When did you become president?

A. A year after.

Q. Did the duties change at all?

A. No.

Q. Just a title change?

A. It was a title change.

Q. When you came on as executive director of the Foundation, did you replace someone, or is that a new position?

A. It was a replacement.

Q. So prior to you, there were two slots as well?

A. Yes.

Q. Executive director and someone else?

A. That's correct.

Q. All right. Do you know, do you have any information in your current position going back as to how long the Foundation has had its own staff?

A. My understanding is that this configuration of at least two dates at least a year and a half before I came, year and a half to two years almost. Prior to that, I'm not sure

1 LOPEZ

2 if they had staff or if there was a prorated allocation of
3 staff from the Hispanic Chamber. I do not know.

4 Q. In the period of time you've been there, has the
5 U.S. Hispanic Chamber of Commerce contributed to the expense
6 of any of the employees that work for the Foundation?

7 A. We have fundraised all of our expenses. No, they
8 have not covered expense. We have had to fundraise and use
9 our own resources.

10 Q. Was there any period of time while you were there,
11 understanding there may have been something prior, but while
12 you were there, has there been a period of time where you
13 shared employees with the national chamber?

14 A. No.

15 Q. Prior to your coming there, do you have any records
16 or knowledge based on the records of the Foundation as to
17 whether or not at any time -- strike that.

18 I believe you said about a year and a half or so
19 before you came, you think they had -- that's when the
20 Foundation got its own staff; is that correct?

21 A. That's when they hired a president, Jane Garcia,
22 which is in one of the brochures that's in evidence.

23 Q. Prior to that, did they have -- the Foundation have
24 its own president?

25 A. I don't know.

LOPEZ

Q. And you don't know if prior to that, they had their own employees?

A. I don't know.

Q. Do you know how long the Foundation has been a separate corporate entity?

A. Since 1993.

Q. Now, what -- can you identify for the record or describe for the record what has caused the Foundation to increase its total staffing from two to five or six during the convention periods?

A. To -- I would directly attribute it to my efforts as president, my success.

Q. Is the success you've raised additional funds?

A. Yes.

Q. Have you created additional publications?

A. Yes.

Q. Have you reached out to additional or new sponsors?

A. We have grown our sponsors, yep.

Q. Can you describe just generally sort of the size of your business in 2002 when you came in and today?

MS. PIETRINI: Objection; overbroad, vague.

THE WITNESS: The size in terms of our budget was roughly about \$400,000 when I first came on board. Now we are approaching 2 million.

LOPEZ

BY MR. COLBERT:

Q. What about programs? Has the number of programs run by the Foundation changed since you've been there?

A. Yes.

Q. Could you describe that change?

A. We have expanded the opportunities associated with youth entrepreneurship. Our training and education for chambers has expanded by virtue of different grants that we've received.

Q. Now, you identified some publications, I believe, during the course of your testimony. As one example, there's Exhibit 2, I think, is one that's a -- I believe you identified that as a Foundation publication.

A. Yes.

Q. And this was one that was created, I believe you said, by your predecessor?

A. That's correct.

Q. That would be Jane Lee Garcia?

A. That's correct, yes.

Q. And you used it -- the leftover copies during your first year; is that correct?

A. That's correct, yes.

Q. All right. Now, other than this brochure, are you aware of any publications by the Foundation prior to your

LOPEZ

coming on board?

MS. PIETRINI: Objection; overbroad.

THE WITNESS: I don't know. I wasn't that intricately involved with the publications they put out.

BY MR. COLBERT:

Q. So you don't know of any others, other than this one, as you sit here today?

A. Well, I know that there was -- I had attended the convention in 2000 here in Washington, D.C., as well as the convention in 2001 in Atlanta. And in both of those conventions, the Foundation had activities, and it had -- it was part of the program. It had brochures specifically to the youth entrepreneurship component.

So yeah, I remember seeing that. Beyond that, I don't know.

Q. I'm just trying to get a vision here. You've expanded your budget and you expanded your staff. So I'm trying to find out what else you expanded. Did you expand the total number of publications that's used? And I'm not referring to the national chamber publications that might mention the Foundation, but the Foundation publications or brochures itself.

A. We have over this period of time, yes, expanded the number of publications and material that we have developed,

LOPEZ

marketing materials.

Q. Can you, in a general way, describe how? Has it doubled or tripled or --

A. Probably quadrupled. And that's a guesstimate, but it certainly has grown.

Q. I'd like to show you I believe it's the convention brochure. It's the Philadelphia convention brochure, Exhibit 10. It looks like this (indicating)?

MS. PIETRINI: I don't think -- I think you're misidentifying that exhibit.

THE WITNESS: This one?

MR. COLBERT: Do you have the copy of --

MS. PIETRINI: What exhibit number are you looking for?

MR. COLBERT: The copy of the Philadelphia convention. Never mind. I'll find it. I don't want to slow down. I'll come back to that one in a minute.

BY MR. COLBERT:

Q. Now, you identified the URL that's used for the Web site for both the Foundation and the national chamber; correct?

A. Yes.

Q. And I believe you also at some point in your testimony said that there were -- your e-mail address has

LOPEZ

changed as well?

A. Yes.

Q. Has the URL generally -- the Web site for the Foundation, has that changed over the time that you've been the president?

A. Yes.

Q. Could you describe that change and when it occurred?

A. That change occurred in -- somewhere around 2003.

Q. Okay. Could you describe what the change was?

A. The change was that we registered the URL under the ushccfoundation.org. Not-for-profit charitable organizations usually use the "org."

Q. Okay. And what was the Web site? I'm trying to find the Web site before that, before you registered it. Let me -- this might help.

This looks like Exhibit 16. Exhibit 16 says ushccfoundation.org. That's the one that's currently used?

A. Right, right.

Q. Before that, was the Foundation just a page within the national chamber Web site?

A. It was a series of pages within the national Hispanic Chamber.

Q. So it didn't have its own site?

A. That's correct.

1 LOPEZ

2 Q. Now, who made the decision to make that change?

3 A. I did, with support from the board.

4 Q. Why?

5 A. Because we were expanding, and we had a sense of
6 using technology. Advancements in technology provided for us
7 to be able to do that.

8 Q. Well, what do you mean by "advancement in
9 technology"? I'll explain that if you need. Isn't the Web
10 site of the national chamber just as technically competent as
11 the Foundation's Web site?

12 MS. PIETRINI: Objection; overbroad, lacks
13 foundation.

14 THE WITNESS: I don't know. I don't know what you
15 mean by that.

16 BY MR. COLBERT:

17 Q. I'm trying to find out what you mean when you said
18 that it was -- you wanted to use for the Foundation
19 technologies that help the Foundation in its mission. And I
20 guess what I'm trying to find out is, what technologies made
21 it a requirement or necessary that you have your own Web site?

22 A. The education activity that we were involved with.
23 We used it as a way of promoting our -- and marketing our
24 activities and our mission. So it became a more effective way
25 of marketing our services and our presence.

LOPEZ

Q. Did you market the same services when it was a series of pages within the national chamber Web site?

A. I still do.

Q. Does the Foundation have its own Web servers, or does it share Web servers with the national chamber?

A. We have our own Web servers.

Q. How long have you had those?

A. For the last four years, 3-1/2 years.

Q. Since about the same time as you changed the URL or since --

A. Slightly -- yes, slightly around that time.

Q. I would like you to take a look, if you would, at Exhibit 5. All right. I think you identified Exhibit 5 as a printout of the Web pages from the national chamber Web site; is that correct?

A. That's correct, the Hispanic Chamber, yeah.

Q. Okay. And I believe you said on the right-hand side, there shows a point where there would be a link to the Foundation Web site?

A. Yes.

Q. And that's under "USHCC features"; is that correct?

A. Yes.

Q. All right. Now, if you look at Exhibit 4, I believe you identified this as your Web site, the Foundation Web site;

LOPEZ

correct?

A. Yes, correct.

Q. Printout of those pages?

A. Yes.

Q. Are these the pages that used to be embedded within Exhibit 5, the national chamber Web site?

A. No.

Q. Okay. What's different about them?

A. It's a new Web site altogether.

Q. So this is different from what used to be in the national chamber?

A. Correct.

Q. Is it more pages than used to be in the national chamber?

A. Yes.

Q. You said there were a few pages. By that did you mean there were three, or do you have an approximate number of how many pages were in the old national chamber site?

A. In the old, approximate -- I don't recall.

Q. Now, are there also links from which you could migrate from the Foundation Web site, Exhibit 4, to the national chamber Web site, Exhibit 5?

A. Yes.

Q. Can you show us where those are in Exhibit 4?

LOPEZ

A. I don't know exactly where they are.

Q. Could you take a minute and look?

(Witness reviewed the document.)

A. I do not know where they are. It may be under "sponsors and partners," but in all honesty, I am not sure. I am not sure.

Q. Correct me if I'm wrong. I thought you identified yourself as the Web master.

A. Okay. Yes, I did.

Q. All right. So and though you identified yourself as Web master, you don't know where in the Web -- where on your own site there is a link from which you could migrate to the U.S. National -- the national U.S. Hispanic Chamber of Commerce?

A. That's correct.

Q. As you sit here, you can't find it on the printout that we have here now?

A. I can't find it directly.

Q. Do you, in fact, know if one exists?

A. I believe one exists, yes.

Q. What's the basis of your belief?

A. I don't see the relevance of the question, so I'm not sure what you're -- I don't understand what you're asking.

MR. COLBERT: Would you read his last question and

LOPEZ

answer back, please?

(The reporter read the record as requested.)

THE WITNESS: Having visited the Web site on many occasions and having been involved in it, I believe one exists. Exactly where, I'm not sure.

BY MR. COLBERT:

Q. You testified in response to your counsel's questioning a number of times, I believe you said that the Foundation logo is consistently used; is that correct? Do you remember that?

A. Correct, yes.

Q. And you also said that -- then you also said that that logo appeared on television shows?

A. Yes.

Q. And it appeared on the Web site?

A. Yes.

Q. Magazines, conventions and the like; right?

A. Yes.

Q. When you were testifying about that, you were referring to the logo which is shown in Exhibit 1, weren't you?

A. That's correct.

Q. All right. You weren't referring to any other logo?

A. That's the one I was referring to.

LOPEZ

Q. Now, looking at Exhibit 1, is that the only logo that is used in all these circumstances that you've described, the convention, Web site? Is that the only logo that is used by the Foundation?

A. That is the only logo as such that we use. There is a center core that you saw in some of the documents at the tail end of the text that has been used.

Q. We'll get to that in a minute. The -- I'm sorry.

A. And the logo has been embedded in other graphics, but that logo has not changed.

Q. Let me get to those two things in a minute. "That logo," meaning Exhibit 1, has not changed?

A. That's correct.

Q. And you referred to the core, the center design, the two people and the H?

A. Right, right.

Q. Okay. Now, but when you testified that your logo, the Foundation logo, was displayed on television, you're talking about the entire logo shown in Exhibit 1; correct?

A. Yes.

Q. And at the convention, that's what you're talking about, Exhibit 1?

A. Yes.

Q. All right. Now, let's turn for a minute, then, to

1 LOPEZ

2 what you talked about at the end of the stories. I believe
3 you were asked about an iconic story ending -- excuse me, a
4 story-ending icon. Do you remember that?

5 A. Yes.

6 Q. What's your understanding of what a story-ending
7 icon is?

8 A. It's a -- draw attention to who is the author, who
9 is the organization associated with that story.

10 Q. Again, do you -- is it your understanding of a
11 story-ending icon that it is anything other than a design
12 signifying the end of the story?

13 A. I don't know.

14 Q. Are you aware of the use of a mark or design or a
15 symbol at the end of stories or articles to indicate that's
16 the end of the story?

17 A. Yes, I'm aware of that.

18 Q. And you're aware that's used by a variety of
19 publications; correct?

20 A. Yes.

21 Q. And have you seen them used, for example, as like
22 little black squares?

23 A. Yes.

24 Q. Or decorative symbols of some sort?

25 A. Yes.

LOPEZ

MS. PIETRINI: Objection; overbroad.

BY MR. COLBERT:

Q. And that indicates to you that that's the end of that particular story; correct?

A. Yes.

Q. Do those mean anything else to you in the context -- other than your own that we've looked at, the one you've testified to, do those mean anything else to you at the time that you see those story-ending icons?

MS. PIETRINI: Objection; overbroad, vague and beyond the scope of direct.

THE WITNESS: I don't know.

BY MR. COLBERT:

Q. Are you familiar with the use of those story-ending icons to separate chapters within books?

MS. PIETRINI: Objection; beyond scope of direct, misstates testimony.

THE WITNESS: I don't understand the question.

BY MR. COLBERT:

Q. Are you familiar with the use of story-ending icons, those little designs you've been talking about, to separate chapters within books?

A. I am familiar with different marks that are used to separate all kinds of different things, like commas, as well.

LOPEZ

But the context here, I don't understand.

Q. When was the first time you ever heard the phrase "story-ending icon"?

A. I don't remember.

Q. Was it in connection with preparing for this testimony?

A. No.

Q. When to the best of your recollection did you hear about it?

MS. PIETRINI: He's already answered it. It's asked and answered.

MR. COLBERT: I'd like him to answer.

MS. PIETRINI: He said "I don't know."

THE WITNESS: I don't know.

MR. COLBERT: I prefer to hear from the witness. If you would like to testify, you can sit in the chair and I'll interrogate you, Jill. Otherwise, I gave you a great deal of latitude and courtesy to you and your witness, and I'd like the same in return. I haven't gotten it yet, but I'd like to get it.

MS. PIETRINI: It was asked and answered. If you'd like it read back, we can do it.

MR. COLBERT: Jill, I would like the courtesy of being able to interrogate your witness, the same latitude I

1 LOPEZ

2 gave you.

3 MS. PIETRINI: Did you not get an answer? Because
4 you've gotten it twice now. That's what I'm not
5 understanding.

6 MR. COLBERT: What I get from you is argument and
7 testimony from you. You're not supposed to testify, and
8 you've been doing that. You've been signaling the witness,
9 giving him the answers and testifying out of your own lips on
10 this record, and I'd like it to stop.

11 THE WITNESS: That is not correct and that is not --
12 I do not agree to that.

13 MR. COLBERT: You don't have to agree to anything,
14 sir.

15 THE WITNESS: I just want to have it on the record
16 that I'm not being instructed by anybody to do anything other
17 than what my convictions are and my response is.

18 BY MR. COLBERT:

19 Q. And I appreciate that very much, and that's exactly
20 what you should be doing, so I'm going to ask your counsel to
21 stop speaking on the record. Make an objection or don't, but
22 stop speaking.

23 Now, let's go back. You mentioned -- kept talking
24 about this little core group, the two little figures and the
25 H.

LOPEZ

A. Right.

Q. Have you ever approved the use of that in connection with an outside sponsorship, such as an Avis sponsorship that you testified about?

A. Yes.

Q. Okay. When and where?

A. I've approved the use of the logo, which includes that.

Q. All right. Then let's go back. The logo you're talking about is Exhibit 1, the full logo. I'm asking you --

A. For the fifth time, that's --

Q. -- referring only to the two figures and the H, what you call "the core" at the prompting of your counsel, have you ever approved the use of that core, the two little figures and the H, to be used alone in connection with any outside-sponsored events, like the Avis sponsorships?

A. No.

MS. PIETRINI: Hold on for a second. I want to object to the question because it's argumentative. It misstates the questioning that took place during direct examination.

MR. COLBERT: Could I hear the witness's answer back?

(The reporter read the record as requested.)

LOPEZ

BY MR. COLBERT:

Q. And the same answer would apply regardless, whether it was an Avis or Comcast event; is that correct?

A. With any outside sponsors, what we have always used is the logo of the Foundation.

Q. The full logo, Exhibit 1?

A. The only logo of the Foundation, which is Exhibit 1.

Q. All right. Thank you. Now, you testified about the mission of the Foundation and the services of the Foundation. You identified three general categories. Do you remember that?

A. Yes.

Q. Now, you repeatedly said that your mission is to provide these services to Hispanic businesses, Hispanic organizations or Hispanic entrepreneurs; correct?

A. Correct.

Q. Several times during your testimony, you said, well, these are predominantly or primarily or mostly Hispanic involved. Did there come a time while you've been at the Foundation that you've moved from being Hispanic oriented to just primarily Hispanic oriented?

A. We have always been primarily Hispanic oriented, and in many of our instances, all we serve is Hispanics.

Q. Okay. Now, when you -- what I'm trying to find out

LOPEZ

is what "primarily Hispanic" means. Does that mean it's sometimes not Hispanic?

A. That means -- it means that in some instances, if somebody walks in or asks to register for a program and he happens not to be Hispanic, we don't turn them back. But that is minuscule and is minimal.

I mean, we had a grant -- anyway, that's the answer.

Q. What grant were you talking about?

A. The U.S. Department of Labor. And in that instance, all of the services with BMW were to recruit Hispanics. And BMW recruited other than Hispanics, and they tracked them into the home, a effort similarly to what we were doing. But the ones we focused on exclusively were Hispanics.

Q. If I understand it, if someone wanted to register for a program, you wouldn't turn them away because they weren't Hispanic?

A. Particularly with students, yes, that's correct.

Q. All right. Okay. Now, looking specifically, you testified about the BizFest. And the BizFest -- could you describe again what the focus of BizFest was?

A. BizFest is a training camp to help young high school students learn about entrepreneurship, business plan development.

Q. And that was one of the services you said was

LOPEZ

predominantly Hispanic. So if they weren't Hispanic -- stop a minute.

How did you know they weren't -- it was only predominantly and not entirely Hispanic? Did you track that?

A. Yes. We've had to report that, yes.

Q. To whom do you report?

A. To funding sources.

Q. Right. And how do you determine if someone is Hispanic versus non-Hispanic?

A. By surname, by language that they speak or by self-identification.

Q. And you were asked by your counsel about Hispanic surnames and your familiarity with Hispanic surnames; correct?

A. Yes.

Q. Is there a definition for Hispanic surname, in your mind?

MS. PIETRINI: Objection; vague, overbroad.

THE WITNESS: I don't know. Not to my knowledge. I don't know.

BY MR. COLBERT:

Q. Well, what I'm trying to understand is you say -- if you rely at least in part on someone having an Hispanic surname, how can someone tell, looking at a name, that it's an Hispanic name?

LOPEZ

A. It's not just looking at a name. When we're doing BizFest, we're seeing people in front of us and interacting with them. It's not just looking at them. So we interact with them. We engage them, and we know from their self-identification what affiliation from an ethnic or racial point of view they have.

Q. That's fine, and I understand that. But you specifically stated that one of the things you look at is whether they have Hispanic surnames --

A. That's right.

Q. -- as a screen. And my question is, how can you tell if a name is Hispanic versus not Hispanic? Is there some way you can define that for us?

A. Experience, my own upbringing. A Lopez is a Hispanic, in my experience, just about every single time. A Rivera or Hernandez, these are Spanish names.

Q. How about Gallagher? Is that an Hispanic name?

A. Yeah, we have found -- we have a board member of ours that by marriage her name is Gallagher.

Q. But is that an Hispanic surname?

A. No.

Q. She's an Hispanic person?

A. She is a Hispanic -- using that name through marriage.

LOPEZ

Q. Okay. But so you wouldn't consider that to be an Hispanic surname?

A. No.

Q. What about O'Higgins?

A. I don't consider that off the top -- on the face of it to be Hispanic, no.

Q. Or O'Brien?

A. Same answer.

Q. Droget?

A. Same answer.

Q. Schmidt?

A. Same answer.

Q. But if a person with those names was born in a Latin American country, would they be Hispanic?

A. They would, yes.

Q. So they would be Hispanic but you couldn't tell from the surname; correct?

A. I guess that's true.

Q. I'm just trying to get an understanding what an Hispanic surname is and what's the difference.

Now, you also described a certification process. You say when you're looking at members, you look at how they define themselves, and you review a variety of things, surnames and other things, or you look at certification.

1 LOPEZ

2 For what purpose do you need certification for
3 someone to participate in Foundation activities?

4 A. When we're doing matchmaking with corporate
5 partners, they will only take credit for firms that I have
6 certification for certain entities towards their minority
7 goals, their Hispanic utilization goals. So that's where
8 certification comes in very handy.

9 Q. So --

10 A. The government uses this as well.

11 Q. I understand. But I'm -- does the Foundation have a
12 rule, an eligibility rule, that says you cannot be a member of
13 the Foundation unless you qualify as Hispanic under one of
14 these tests?

15 A. We don't have membership categories. The Foundation
16 does not.

17 Q. All right. So then if I understand correctly, all
18 of your members are actually members of the national chamber?

19 A. That's correct.

20 Q. You don't have your own membership list?

21 A. That's correct.

22 Q. In addition to the national chamber members, do you
23 have any other members?

24 A. We have no members.

25 Q. Okay.

LOPEZ

A. No member categories.

Q. All right. You said before -- you frequently talked about sending publications out to members. When you said that, you meant national chamber members?

A. Right.

Q. So you used national chamber mailing lists?

A. Right.

Q. When you looked at the list in one of these publications, you looked at the list of all of the members of the national chamber, I guess, the membership. Those were national chamber members, not Foundation members?

A. That's correct.

Q. Have you ever been an employee of the national chamber?

A. No. And the reason -- can I qualify that?

Q. Yes, please. I'll ask you the question. And why is that?

A. Well, she's my attorney so, I mean, I can ask her my questions just as well.

Payrollwise, during the first few years that I was employed with the Foundation, the payroll was being managed singularly. So our payroll was handled through the Chamber, so it would appear that we would get -- we were employed by the Chamber. The Foundation would pay the money to reimburse

LOPEZ

the Chamber for the expenses associated with our payroll.

And then we proceeded to have our own separate payroll account under the Foundation name, as advised by counsel, because of our federal ID number was different, it wasn't the same.

Q. When did that happen?

A. That happened at least three years ago.

Q. So '05, something like that?

A. Yeah.

Q. And was that your decision?

A. Yeah, ultimately, it was my decision with the support of the board. I had to get approval from the board.

Q. Let me back up, just to make sure we're all clear here. During the course of your testimony, you frequently used the term "national chamber" to refer to the United States Hispanic Chamber of Commerce; correct?

A. Uh-huh.

Q. Why do you do that?

A. Because it's the national organization.

Q. Was it just -- it's a natural thing to shorten it that way or refer to them as the national chamber?

A. It's a national organization. We just -- we determined that we were going to use, for sake of this proceeding, Hispanic Chamber. But I always -- either I

1 LOPEZ

2 addressed it as the USHCC or in the context of our national
3 presence, national, because it's a national organization.

4 Q. So that's a thing you commonly do, not just today?

5 A. I normally don't refer to it as "national." I
6 usually refer to it as the United States Hispanic Chamber of
7 Commerce, which is the name that we have.

8 Q. But today you spontaneously called it the national
9 chamber a number of times. Have you done it before?

10 A. I may have.

11 Q. You may have or you did?

12 A. I may have. I don't recall.

13 Q. You have no recollection today --

14 A. No --

15 Q. -- of ever using "national chamber" before?

16 A. I have used "national chamber," yes.

17 Q. What context have you used it in?

18 A. As an organization that has a national target, a
19 national audience.

20 Q. Have you used it --

21 A. Based in Washington, D.C., the capital of the
22 country. So it is a national organization.

23 Q. Have you used it at the conventions?

24 MS. PIETRINI: Objection; overbroad.

25 THE WITNESS: I -- I use "U.S. Hispanic Chamber of

1 LOPEZ

2 Commerce" or "USHCC" most of the time. If occasionally I have
3 used "national" -- the word "national" in association with the
4 chamber, it has been very, very limited.

5 BY MR. COLBERT:

6 Q. Now, do other people at the Foundation use "national
7 chamber" also?

8 A. Not to my knowledge.

9 Q. Even if it's only occasionally?

10 A. Not to my knowledge.

11 Q. So in all the time you've been there, while you use
12 it occasionally, no one else, to your knowledge, working for
13 the Foundation has ever used "national chamber"?

14 A. It depends on the context. I mean, my
15 presentations, my speeches, my public comments always refer to
16 the USHCC Foundation or the United States Hispanic Chamber
17 Foundation or the United States Hispanic Chamber of Commerce.
18 That's what I use.

19 Q. Now, when you use "national chamber," on the
20 occasions you have, do you think people understand you to be
21 referring to the U.S. Hispanic Chamber of Commerce?

22 A. When I use it in relationship to Hispanic, yes.

23 Q. Why do you think they understand it to mean the
24 United States Hispanic Chamber of Commerce?

25 A. Because I say United States Hispanic Chamber of

1 LOPEZ

2 Commerce in the same breath.

3 Q. So you have never used the term "national chamber"
4 without in the same breath saying, "and I mean by that United
5 States Hispanic Chamber of Commerce," saying that?

6 MS. PIETRINI: Objection; misstates his testimony.

7 THE WITNESS: Are you trying to put words in my
8 mouth? I use "United States Hispanic Chamber of Commerce,"
9 and that's the formal name. That's what I use.

10 BY MR. COLBERT:

11 Q. And you sometimes use "national chamber" to refer to
12 the U.S. Hispanic Chamber of Commerce?

13 A. Sometimes I refer to a Ford as a car.

14 Q. And people know what you're talking about?

15 A. A car.

16 Q. Right. But for you, "national chamber" means the
17 national -- U.S. Hispanic Chamber of Commerce?

18 A. For me, "United States Hispanic Chamber of Commerce"
19 means United States Hispanic Chamber of Commerce. "National
20 Hispanic Chamber" means national Hispanic Chamber of Commerce,
21 U.S. Hispanic Chamber of Commerce.

22 Q. But when you use just "national chamber," without
23 saying "national Hispanic Chamber" --

24 A. I always use "national Hispanic Chamber." I never
25 use "national chamber" by itself. I always use "national

LOPEZ

Hispanic Chamber." If I use not the full name, like the U.S. Hispanic Chamber of Commerce, and I refer -- instead of using "United States," I use "national," I still use "Hispanic Chamber" as part of it.

Q. Always? You've never used it without saying "national chamber"?

A. Yes, that's correct.

Q. Even today? You have never done it today?

A. In answering your questions, I've used all kinds of different things. But --

Q. No, I'm going back --

A. I've never referred to that organization, Foundation or Hispanic Chamber, without using their full name or "Hispanic" in the middle of it.

Q. Never? Are you saying never?

A. That's correct.

Q. Okay. Have you ever heard anybody at the U.S. Hispanic Chamber of Commerce, not the Foundation, refer to that organization as the national chamber?

A. No.

Q. Have you heard anybody else ever refer to it as the national chamber?

A. No, don't recall.

Q. Not -- well, you don't recall whether you've heard

LOPEZ

it or not?

A. I don't recall, so it's a no.

Q. Do you attend all meetings of the U.S. Hispanic Chamber?

MS. PIETRINI: Objection; overbroad.

THE WITNESS: No.

BY MR. COLBERT:

Q. So do you attend any meetings of the United States Hispanic Chamber of Commerce?

A. Many of them, most of them.

Q. Do you attend the board meetings?

A. Yes.

Q. All of them?

A. Most of them.

Q. Most, not all?

A. Only when they go to executive session or if I've been on vacation or so. I have missed a few meetings, possibly one or two over the six-year period. That's it.

Q. So in all of the meetings you've attended, board meetings and other meetings, you've never heard anybody refer to the U.S. Hispanic Chamber of Commerce as the national chamber?

A. No. People are very proud. We are very proud of our name, and we use it all the time.

LOPEZ

Q. Have you ever referred to your Foundation as the national chamber foundation?

A. No.

Q. Have you heard anybody else use that phrase?

A. No. I've heard you say that, that's it.

Q. So but the best of your recollection -- I just want to make clear because I'm a little confused by the record -- you have never in your life used the term "national chamber" without "Hispanic" between the words "national" and "chamber" to refer to the U.S. Hispanic Chamber of Commerce?

MS. PIETRINI: Objection; misstates his testimony.

THE WITNESS: No.

BY MR. COLBERT:

Q. You've never done that?

A. Not to my knowledge and recollection, I do not believe I have.

Q. Could you have done it by accident and not remembered doing that?

A. No.

Q. So you're absolutely certain it could never even have been done by accident?

A. I don't -- I don't believe so.

Q. A little while ago, you talked about the growth in the Foundation. Do you recall that?

LOPEZ

A. Yes.

Q. Okay. And you talked about participating in board meetings and other meetings at the U.S. Hispanic Chamber of Commerce; correct?

A. Yes.

Q. Do you have any knowledge or information about the increase in the budgets or the activities of the U.S. Hispanic Chamber of Commerce over the same period of time?

A. We have -- generally, yes.

Q. What's your general understanding on that?

A. It had been in the neighborhood of between 4 to \$7 million.

Q. And that's your current -- the current budget?

A. Current budget of the USHCC, in that neighborhood.

Q. I'm sorry, do you know what the budget was back in 2002 when you came to the Foundation?

A. I don't recall.

Q. Do you remember if it was less than the 4 to 7 million?

A. I think it -- I believe it was in the 4 to 5 million dollar range.

Q. But has the -- has the U.S. Hispanic Chamber increased --

A. Not necessarily.

LOPEZ

Q. Not in the last six years?

A. They have increased it, but they have not increased proportionately to the Foundation.

Q. Not as much as the Foundation has?

A. Right, proportionately speaking, yes.

Q. If you would take a look at Exhibits 8 and 9, I'd like to ask you some general questions. Do you see those documents?

A. Yes, I have them in front of me.

Q. Now, these documents date from the year 2000. Am I correct?

A. That's correct. One of them does.

Q. Pardon?

A. One of them does.

Q. That's Exhibit 8?

A. Exhibit 8.

Q. If you look at Exhibit 9, is that also 2000?

A. Also 2000, yes.

Q. That was before you came to the Foundation; correct?

A. That's correct.

Q. And these are items that are printed off the United States Hispanic Chamber of Commerce Web site; correct?

A. Right.

Q. Okay. Why are they not carried on the Foundation

LOPEZ

Web site?

A. We have -- these are press releases, and we exchange press releases with each other.

Q. In fact, do you know if these appear on the current Foundation Web site?

A. I don't -- I don't know, because -- no, I don't know.

Q. Does the Foundation generally have press releases on its Web site?

A. Yes.

Q. Do you know at all whether the two press releases represented by 8 and 9, if they have been continuously on the United States Hispanic Chamber of Commerce Web site since 2000?

A. I believe they are active, that if you do a search by any of these names, they're active on the Web site. They're not promoted -- this is an old layout of their Web site and our Web site.

Q. So they're active today as we sit here?

A. I believe they are, yes.

Q. Do you know if they have been continuously active for the last eight years?

A. I believe they have.

Q. What's the basis of your belief?

LOPEZ

A. Because there's been no deactivation on the server which contains this particular Web site. All these pages remain active unless you remove them from the --

Q. The Foundation has its own server separate from the Chamber's servers; correct?

A. That's correct. But I'm familiar with the server of the Foundation and the Chamber.

Q. How are you familiar with the Chamber's servers?

A. Because I've collaborated with their IT people around anything to do with anyplace where there's something that said Foundation, USHCC. And I am familiar with this one because when I came on board, this was a link that we had. It was one site, one domain at the time, 2002.

Q. You tapped on the -- which document are you tapping on?

A. The exhibit that you referred to.

Q. Exhibit 9, okay. And you said, "This is the link we had." What were you pointing to? Down in the lower left or middle left, there's a --

A. Logo of the Foundation. That's a link.

Q. That was a link?

A. Right.

Q. That would link from the server --

A. To the pages of the Foundation within the same

LOPEZ

server.

Q. Right. Would this now instead link you -- is this still there? Would that now link you to the new server, new Foundation server?

A. I haven't navigated through all of it, but I believe it is still there, linking to the old pages of the USHCC domain.

Q. Okay. I'm just confused, just trying to figure it out. So are the old Foundation Web pages still on the United States Hispanic Chamber of Commerce site and the servers? They are still there?

A. I believe so.

Q. So when you created your own new Web site with your own servers, you didn't remove the old pages from the U.S. Hispanic Chamber site; correct?

A. We had no reason to.

Q. I'm not saying you did. I just wanted to make sure we understood how it worked, that's all.

A. Uh-huh.

Q. Could you all get Exhibit 10, please? I think it's the 17th legislative conference. I'm trying to see -- what was the purpose of this conference?

A. The theme of this conference is stated right on the cover, "Advancing Latino Entrepreneurship is Just Good

LOPEZ

Business."

Q. It says it's the 17th Annual Legislative Conference.

A. Right.

Q. Are they talking about legislation that would be introduced to Congress?

A. Legislation that would be -- it might be considered by Congress or issues that have maybe a legislative angle to it identified in this slide.

Q. Now, was -- and this is a joint program of the Foundation and the U.S. Hispanic Chamber?

A. Yes.

Q. Was there any division of responsibility with regard to this legislative conference?

A. Yes.

Q. Could you describe that division?

A. Our focus was on facilitating participation by the small Hispanic chambers of commerce, their executives. We raised money through a scholarship program to facilitate their attendance, and we sponsored and managed a policy dialogue forum on Hispanic business. And we live Web casted most of the events of that conference. And we also facilitated the participation of Latino youth entrepreneurs. That was a focus of our involvement.

Q. And when you sponsored attendees, was that so they

LOPEZ

could -- those individuals could attend the legislative conference opportunities that were conducted by the U.S. Hispanic Chamber?

A. Yes.

Q. And did you run any programs directly -- the Foundation run any programs directly at the legislative conference?

A. The only program we ran was some policy forum. We normally do discussions on issues like education. That's really our principal issue. So when we talk about policy issues, that's what we meant.

Q. I'm just trying to -- the reason I'm asking is I'm trying to understand this. Where does this legislative conference fit within the three purposes that you gave for the Foundation?

A. Policy and research, education, leadership development, in all instances of this.

Q. Could you please take a look at Exhibit 12 that you testified on previously. Could you turn to the second page. You were specifically asked by your counsel about the listing on the right side of the second page under "USHCC staff." Do you see that? And your name appears; correct?

A. Yes.

Q. What does that mean, "USHCC staff," on this

LOPEZ

"Networking" newsletter?

A. Affiliate entities, I guess. I mean, we are an affiliated entity of the USHCC, but we are a separate corporation. We had a separate payroll, and if we were in their payroll system, which we may have been in 2004, it was still a separate legal entity.

Q. In 2004, you may still have been, though, getting checks issued by the U.S. Hispanic Chamber; correct?

A. Right.

Q. And they have got you listed as staff, and you don't know what that means, "staff"?

A. It means -- staff is everybody that has employment in affiliated entities to the USHCC.

Q. Is there anybody else on this list that worked for the Foundation?

A. Yes. Shana Mosher.

Q. Where is she?

A. Right under Pedro Martinez.

Q. Okay. Anybody else?

A. No.

Q. In 2004, were those the only two employees of the Foundation, yourself and Ms. Mosher?

A. That's correct.

Q. Do you know if this staff includes all the paid

LOPEZ

employees of both the U.S. Hispanic Chamber and the Foundation?

A. I believe at that time, this was it.

Q. Could you turn to Exhibit 11, page 2990.

MS. PIETRINI: What page are you on?

MR. COLBERT: 2990. H 02290.

BY MR. COLBERT:

Q. It looks like this (indicating). It's near the back. There's sort of a boldface sort of headline at the top, "USHCC Foundation." That's your organization; correct?

A. Yes.

Q. "Web portal extends beyond Latino youth." Do you see that?

A. Yes.

Q. What does that mean?

A. That means that we were able to provide services and information about the other areas, that this was done through a grant from the Verizon Foundation that helped us create an infrastructure technologywise, and we were able to expand e-mentoring opportunities, all of which is delineated here, online.

Q. E-mentoring. That's still for youth, isn't it?

A. E-mentoring, but it's still entrepreneurs. At that time, we were predominantly focused on youth services.

LOPEZ

Q. So this -- so when you say "extends beyond Latino youth," you mean to extend to --

A. Latino chambers.

Q. Is Latino and Hispanic interchangeable?

A. Yes.

Q. Now, in addition to the logo that we've identified in Exhibit 1, in addition to the logo, does the Foundation just use the words "United States Hispanic Chamber of Commerce Foundation" to identify itself?

A. Yes.

Q. Without the logo?

A. It's rare.

Q. In what circumstances does it use it without the logo?

A. In my e-mail, my e-mail signature. I don't have logos in my e-mail signature, but I identify the affiliation.

Q. I guess so we're clear, in Exhibit 1, we've got a logo that includes the words "United States Hispanic Chamber of Commerce Foundation," correct, that's inside the two circles, you say?

A. Right.

Q. And again, I'm trying to understand. So occasionally or sometimes, "United States Hispanic Chamber of Commerce Foundation" will appear outside the context of those

LOPEZ

two circles; right?

A. Rarely.

Q. Well, let's -- you use it in your e-mail address; correct?

A. Right.

Q. When you speak the words, they appear without the logo; right?

A. Without the logo. Yeah, I don't speak graphics.

Q. Very few people do.

A. Right, okay.

Q. Would it appear on brochures outside of the logo?

A. Only in text, where there's mention to it, but not in any branded kind of -- you have all the documents there.

Q. Let's take a look at Exhibit 14, which is in front of you.

A. Yes.

Q. So if you look, there's a bar across the top of the first page of Exhibit 14.

A. Right.

Q. It says "United States Hispanic Chamber of Commerce Foundation." Correct?

A. Yes.

Q. And that's not -- those words are not contained within the logo; correct?

LOPEZ

A. That's correct, but it's with the logo right below it.

Q. But there's a separate use of it in the logo right below it; correct?

A. Right.

Q. The next page has the same banner at the top; correct?

A. Yeah.

Q. There's no logo?

A. Right.

Q. And the next page, the logo appears again?

A. Right.

Q. And then the next page, the words "United States Hispanic Chamber of Commerce Foundation" appears without the logo; correct?

A. Correct.

Q. So sometimes it appears outside the context of the logo?

A. Here it's in the context of the logo. The logo is in the part of the brochure. This brochure is branded up front.

Q. I just wanted to make sure. For example, as you said, first page has the logo.

A. Right.

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Q. And it has the words.

A. Right.

Q. But the words don't appear inside the logo; correct?

A. Yeah.

Q. My only question was, the words appear outside the logo, even though the logo is next to it; correct?

A. Yes.

Q. I'd like you to take a look at Exhibit 15. Again, the top of this page, it's got "United States Hispanic Chamber of Commerce Foundation." Correct?

A. Correct.

Q. Not inside the logo, but the logo appears at the bottom?

A. Right.

Q. All right.

A. That's our name.

Q. So you do use your name outside of the logo?

A. Yes.

Q. And that refers to the United States Hispanic Chamber of Commerce Foundation; correct?

A. Yes.

Q. And everybody knows that?

A. Yes, I guess so.

Q. And so it would be your opinion that if people are

LOPEZ

hearing those words, they would know it's your organization,
even if they didn't see the logo?

A. Yes.

Q. Can you tell us the date of this publication that's
been identified as Exhibit 15?

A. I believe this was during the year -- latter part of
2003.

Q. Do you know, is this a regularly published --
example of a regularly published brochure, or was this a
special, one time?

A. This was part of the "Networking" quarterly
newsletter of the USHCC, which is also in the exhibit.

Q. That's a regularly-published quarterly?

A. Yes, that's correct.

Q. But I think you testified this particular exhibit
was reprinted for distribution?

A. Yes, that's right.

Q. So it was sort of a one-time distribution?

A. We've done it on a number of occasions since.

MR. COLBERT: Do you have the original of Exhibit
16, Jill?

MS. PIETRINI: Maybe. I'll have to look. I don't
know if it's here or in L.A.

MR. COLBERT: Okay. Could you --

LOPEZ

BY MR. COLBERT:

Q. Could you turn and look at Exhibit 17. Do you have it in front of you, sir?

A. Yes.

Q. I'd like you to look at the two logos, the Chamber logo and the Foundation logo. Do you see them?

A. Yes, I do.

Q. There's a little -- and I think you testified that you approved this; is that correct?

A. Yes, I did.

Q. I note that there's little TM letters next to each of those logos in the lower right side. Do you see that?

A. Yes.

Q. Is this the first time those letters appeared next to those logos?

A. I would have to review the record. I'm not sure.

Q. Are you familiar with those in connection with your -- the work as you've described it since 2002, approving these materials, are you aware of those letters appearing at any time before 2007 in connection with the logos?

A. I am not sure. I would have to examine the record.

Q. Do you recall there coming any specific time when, in discussions, you became aware of the placement of TM next to the Foundation logo, for example, where it had not

LOPEZ

previously been?

MS. PIETRINI: Objection; vague.

THE WITNESS: I do not recall.

BY MR. COLBERT:

Q. So you don't recall that there was any particular time where it started or stopped?

A. No.

Q. Do you recall at any time getting any advice with respect to whether or not you should put the letters "TM" next to the logo?

MS. PIETRINI: Let me caution the witness, to the extent the answer is yes and you got advice from a lawyer, don't disclose what the advice was.

BY MR. COLBERT:

Q. You can answer, apparently.

A. Okay. No.

Q. You never got advice?

A. I don't recall getting advice.

Q. Let me take you back to Exhibit 16. Do you recall the date that Exhibit 16 was prepared?

A. This, I believe, dates back to 2003.

Q. Now, if you look, there's a little R in the lower right-hand side next to the Foundation logo. Do you see that?

A. Uh-huh.

LOPEZ

Q. And you were the executive director in 2003 or the president?

A. One or the other.

Q. One or the other.

A. Right.

Q. Do you recall seeing that R in a circle and approving it -- or excuse me, that letter R and approving it?

A. I approved it.

Q. Do you recall seeing that R, as you sit here?

A. I may have not paid attention to it, but I recall approving this.

Q. What does the R mean?

A. I believe it means registered.

Q. Okay. Did you -- I note that the 2007 ad that you approved has got a TM. Does that in any way refresh your recollection about having any discussions or decision as to what letter should be next to the logo?

A. No. We use different graphic designers, and they may have used it interchangeably.

Q. Is it interchangeable?

A. I don't believe --

MS. PIETRINI: Objection; calls for a legal conclusion.

BY MR. COLBERT:

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Q. You can give me your understanding.

A. I don't believe so.

Q. What's the difference, in your belief?

A. I don't know.

Q. In your belief.

A. I don't know the legal difference.

Q. You said you don't believe they mean the same thing.
I'm only asking what your belief is.

A. One says registered; one says trademark. So it's different words. Presumably, they mean different things. I don't know what the legal differences are. I would have to get advice from an attorney in regards to that.

Q. So the question I have -- I'm not asking you to answer beyond a yes or no -- did you ever get any such advice with respect to use of either R or TM next to the Foundation's logo?

A. And I said no.

Q. Would you turn to -- I think we're still on Exhibit 17. If you go to the last page, there's three logos there. Can you tell us what the third logo is, the international office?

A. The Hispanic Chamber has an office in Mexico City.

Q. This is you're talking about the U.S. Chamber, not the Foundation?

LOPEZ

A. The Hispanic Chamber.

Q. Have you been there?

A. Yes, I have.

Q. Is it a physical office space?

A. Yes.

MS. PIETRINI: Objection; beyond the scope of direct.

BY MR. COLBERT:

Q. Is it paid for or operated by the U.S. Chamber?

MS. PIETRINI: Objection; beyond the scope of direct.

THE WITNESS: I believe it is.

BY MR. COLBERT:

Q. Do you know if the international office logo has appeared in any other publications of the Foundation or of the Hispanic Chamber?

MS. PIETRINI: Objection; beyond the scope of direct.

THE WITNESS: It has appeared in different places, yes. I don't know exactly everywhere it appears.

BY MR. COLBERT:

Q. To your understanding, is there any particular circumstances under which it's supposed to appear?

MS. PIETRINI: Objection; beyond the scope of

LOPEZ

direct.

THE WITNESS: No.

BY MR. COLBERT:

Q. Could you turn to Exhibit 19. You were previously asked to testify about this. It says it's an "Inaugural Family Day and Golf Classic." Do you see that?

A. Yes.

Q. Is this a different golf tournament than, I guess, the FedEx golf tournament you testified about previously that shows up in other documents?

A. This was -- FedEx wasn't a sponsor of this at this time.

Q. This is a different tournament or --

A. We do an annual tournament. This was the annual tournament for 2002.

Q. Okay. I'm just trying to understand. This says it's the inaugural. That means the first one; right?

A. It was the first one under the Foundation auspices, yes.

Q. Then if you take a look at Exhibit 20, which is in 2005, three years later, it says there is the FedEx Fifth Annual Golf Classic. That's just why I was asking. It looks like we've got two extra years in there.

A. May have been a misprint, miscalculation.

LOPEZ

Q. But there's only been the one tournament?

A. There's one annual tournament.

Q. I was just trying to understand that, because the numbers didn't add up for me.

A. Right.

Q. And you testified about the logo. It shows on the golf ball in the center?

MS. PIETRINI: Objection; misstates his testimony.

BY MR. COLBERT:

Q. If you look at Exhibit 19, there's a logo in the center, and you testified about that logo on the front cover.

A. Right.

Q. And you also -- second page, same logo appears, does it not, on the second page?

A. Right.

Q. Next to your photograph. And you identified that as the Foundation logo?

A. No, it was not the one that we focused on subsequently, even inside here. I had just come on board before this convention. This graphic had been done. And so the only time that they were able -- the only thing that they were able to do is plant my face instead of Jane's in here. And then the other logo, which appears throughout the document, was the one we have used since and even during.

LOPEZ

Q. You just pointed to another logo on page 3098?

A. On page 3098, which is the logo that I identified as the logo of the Foundation.

Q. That's the logo of the Foundation that's Exhibit 1?

A. That's right.

Q. And the logo that you testified about previously on direct on pages 3096 and 3097 is actually a different logo?

MS. PIETRINI: Objection; misstates his testimony.

THE WITNESS: Misstates my testimony. I didn't say that.

MR. COLBERT: Could you read my question back?

I don't think I characterized his testimony at all.

(The reporter read the record as requested.)

BY MR. COLBERT:

Q. I didn't characterize your testimony at all, sir. I'm just asking you that the logo on pages 1 and 2 of this document, 3096 and 3097, is not the United States Hispanic Chamber of Commerce Foundation that you've otherwise identified today?

A. That's correct.

Q. Okay. And what's different about it?

A. It doesn't have the people in the middle as the other one does.

Q. Is the only distinction between that logo the word

1 LOPEZ

2 "Foundation" in the circle, between that and the U.S. Hispanic
3 Chamber -- U.S. Hispanic Chamber logo?

4 A. I believe that's the case, and the color. I believe
5 this was red, this was blue, backgroundwise.

6 Q. Do you know where that logo came from that's on this
7 brochure?

8 A. It must have been developed by the previous
9 president or under that administration.

10 Q. Do you --

11 A. It was -- it was available as I came into the
12 Foundation, the red version and the blue version. And we
13 settled for the blue version, which had the distinct -- which
14 is the one that I believe had been submitted. The application
15 had been made for the one with the people in it.

16 Q. So if I understand, prior to your coming on board as
17 executive director or president in 2002, the Foundation, the
18 United States Hispanic Chamber of Commerce Foundation, would
19 use either the logo that's shown on the first two pages of
20 this brochure or the logo that's shown on the third page of
21 this brochure?

22 A. No, I didn't say that. What I -- my understanding
23 from all the documentation was that the logo preference that
24 was used was the one on page -- on the third page, which is
25 3098. The other one was used, but -- on occasion. This is

LOPEZ

the only instance that I can recall where that logo has been used during my tenure, and that was at the beginning of my tenure.

Q. I understand that. What I'm trying to understand is, but it was used -- before your tenure, it was used, occasionally at least, by others who preceded you?

A. I don't know that. I don't have any documents to that effect.

Q. So you don't know whether it was used previously or not?

A. No.

Q. So if you said that this was used occasionally before you came on board, that would just be supposition or speculation?

A. Right.

Q. So is this the only time -- the only circumstance in which you've ever seen that particular Foundation logo displayed?

A. Yes, right.

Q. In any way?

A. Yeah.

Q. On any document?

A. Right.

Q. Did you talk to anybody about the time when you saw

1 LOPEZ

2 the differences in this logo? Strike that.

3 At the time that you approved this brochure, did you
4 notice the differences?

5 A. Yes, but I couldn't do the change because that
6 graphic had been done. It would have been costly to change
7 the graphic, and we did not do that. It was already ready to
8 go to print. So I did not change it here. I saw that the
9 logo -- the preferred logo and the one that I saw everywhere
10 else was used in the document. And since then, subsequent,
11 we've focused and only used this logo (indicating).

12 Q. I understand. I just want to understand this. If
13 this is the only time you've seen it used, was this a mistake
14 or was it, as you previously testified, an alternate that
15 could be used?

16 A. I would categorize it probably more as a mistake.

17 Q. You were asked right after we took the first
18 break -- I think it was after we had the break in the morning,
19 you came back and you were asked by counsel about something
20 you described as the Chamber Weekly. Do you remember that?
21 And you said it was an electronic distributed --

22 A. Newsletter.

23 Q. -- newsletter. Do we have an example of the Chamber
24 Weekly here?

25 A. I don't see one.

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Q. Was this --

A. I don't believe I see one.

Q. I'm sorry.

A. I don't remember seeing one. I don't remember seeing one.

Q. Are they -- are they then posted on the Web site in any way? Are they accessible through the Foundation Web site?

A. No, they're not. I don't believe that they are archived on the Web site.

Q. Are they printed?

A. I do not believe that they are printed. They're sent out electronically.

Q. Are they maintained on the Web site even for a brief -- for some period of time, or are they completely separate from the Web site?

A. I don't believe that they're maintained on the Web site, period.

Q. Are they sent only to U.S. Hispanic Chamber members?

A. There's a database that we have developed which has people that we've added or people that the Chamber have added. So it's an extensive list. Participants of previous conventions, participants of Foundation events, of Chamber events that have requested they be kept informed of things that we do or that are happening in the network of local

LOPEZ

Hispanic chambers.

Q. So it goes beyond just members of the Chamber?

A. It goes to members of the Chamber, which is a -- local chambers, and people that are affiliated with those chambers that have participated in our events.

Q. So if someone were to participate in a Foundation event, then their e-mail -- they would receive this mailing, correct, the e-mail blast?

A. They ask to be added to our newsletter list. On the Foundation Web site, there is a location where you can ask to receive Foundation-related information. You register, and we use that e-mail. You are giving us permission to send you. We don't spam.

Q. So if you go onto either the Chamber Web site or Foundation Web site and click a button and ask to get e-mailings?

A. Right.

Q. You also said you went to people who attended functions, Foundation or Chamber functions, conventions, educational programs as well?

A. Yeah.

Q. So how would they get on the mailing list, just because they signed up for the event?

A. Right.

LOPEZ

Q. So if they signed up for the event, they would be put on the mailing list?

A. Yes.

Q. And they would go to any -- but you don't screen those people as to whether they're Hispanic or not; correct?

A. That's correct. Non-Hispanics are interested in Hispanic events.

Q. I'm sure. Would you agree that Hispanics also could be interested in non-Hispanic events?

A. I'm sure they probably would.

MR. COLBERT: Off the record.

(Discussion off the record.)

MR. COLBERT: We've been going for about an hour and a half. Why don't we take about five or 10 minutes.

(Recess.)

BY MR. COLBERT:

Q. Back on the record. Hi.

A. Hi.

Q. During the course of your testimony this morning, you were asked to identify the kinds of local chambers that are members of the U.S. Hispanic Chamber and that were served by the Foundation. Do you remember that?

A. Yes.

Q. I believe you identified two different kinds. Do

1 LOPEZ

2 you remember that? You broke them into two kinds. You said
3 one would be one with the name of a country in it, like
4 Mexico, and then you said there was one that would be like --
5 would just be identified as Hispanic. Is that right? I mean,
6 why -- I'm just trying to get at how you distinguish between
7 the two.

8 A. They include both.

9 Q. Okay. And so what's the difference between them?

10 MS. PIETRINI: Objection; vague.

11 MR. COLBERT: I'm just trying to understand the
12 witness's testimony.

13 THE WITNESS: Other than -- I don't know. I mean,
14 there is -- Hispanic is in both of them, in a sense, but I
15 don't know beyond that what you're talking about.

16 BY MR. COLBERT:

17 Q. Well, I'm not talking about anything, sir. I'm
18 trying to find out why you made the distinction in your
19 testimony between the two categories and, if there are two
20 categories, what are the categories?

21 A. Well, there's no such thing as two different
22 categories, necessarily. There is -- there are those that
23 choose to identify themselves by their national origin or the
24 country that they identify themselves with, and there are
25 those that choose to identify themselves with the geography in

LOPEZ

this country that they are tied into.

But those that don't do it by country do it always with "Hispanic" in it.

Q. Is there a difference in the kinds of services that the local chambers provide between those categories? Take, for example --

A. No.

Q. -- if you have a Mexico one, is that one aimed at improving business relations between their members and Mexico or as opposed to -- a minute ago, you said that or there's one -- Hispanic ones in their geography or their territory. I'm just trying to understand if there's a difference between trying to improve services or opportunities, for example, for members of local organizations that do business, for example, in Puerto Rico or in Mexico or in Venezuela, versus ones whose focus is predominantly, let's say, just doing business in? El Paso, for example, like the El Paso Hispanic Chamber of Commerce. Is that a distinction?

A. It could be. I'm not sure that it is, but it could be.

Q. Do you have any knowledge about that being a distinction between two -- the nature of the local organizations?

A. From -- no, I don't know. I don't have any

LOPEZ

knowledge of the distinction between those two different ones.

Q. They're not even members of the Foundation; right? They're members of the Chamber?

A. Of the Chamber, that's correct.

Q. So I'd have to ask somebody at the Chamber about that; correct?

A. Right.

Q. We were talking about the nature of Hispanic Chamber or entrepreneur, and we were talking about definitions, and you gave some definitions about being more than 51 percent owned, for example.

A. Uh-huh.

Q. What about businesses that serve the Hispanic community? Is that a possible definition of an Hispanic organization?

A. Not necessarily, not -- no.

Q. They would have to be Hispanic owned? They couldn't just serve the Hispanic community in order to be an Hispanic organization and business?

A. Does the different -- I don't know what you mean by Hispanic organization as compared to Hispanic business.

Q. Let's talk about Hispanic business. So you have Hispanic business that -- you have a business that serves predominantly an Hispanic clientele.

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A. Right.

Q. Would that be an Hispanic business, regardless of who owns it?

A. Not necessarily, no.

Q. It would have to be owned by someone who qualifies as Hispanic?

A. For sake of serving on the board of directors, you have to be Hispanic owned, so we're talking ownership.

Q. Let's say not to serve on the board of directors but to be a member of the U.S. Hispanic Chamber, would such a business that served predominantly the Hispanic community but isn't owned by an Hispanic, could that be a member of the U.S. Hispanic Chamber?

A. The Hispanic Chamber does not have individual memberships other than chambers. It does not have individual businesses as members.

Q. Okay. None?

A. Hispanic businesses. It has corporations as corporate partners.

Q. Okay. But not all corporations are eligible to be corporate partners?

A. There's a fee associated with that designation, as a membership category.

Q. And so but a corporate partner doesn't need to be

LOPEZ

Hispanic; is that correct?

A. That's correct.

Q. All right. But to be a member of the chamber, you have to be an Hispanic -- a local Hispanic Chamber?

A. Right.

Q. Or a local Latin country name chamber; correct?

A. Exactly.

Q. All right. Do you have any understanding as to whether or not businesses can be members of the local chambers, whether they're Hispanic owned or not?

A. We do not control their -- they're independent entities.

Q. So you don't know?

A. I don't know.

Q. You testified about a Mr. Kovacs, I think, in connection with Exhibit 23, that DVD.

A. Uh-huh.

Q. And you indicated that it appears on the U.S. Hispanic Chamber Web site, I believe, didn't you?

A. Foundation.

Q. Pardon?

A. The Foundation.

Q. U.S. Hispanic Foundation Web site. That would be Exhibit 4. That would be Exhibit 4. And I believe you

LOPEZ

indicated, looking at the first page of Exhibit 4, there's a little link right in the lower right that says USHCC Foundation TV?

A. That's correct.

Q. And you click on there to find the videos; is that correct?

A. Yes.

Q. And there's -- up in the upper left, there is a USHCC Foundation Partners At Work that's just a black box.

A. When you go live, there is video in that box. When you print it, it doesn't show up, but there's video in that box.

Q. What's the video that's in that box?

A. We rotate different videos of more recent events. The current video that's on there is a summary of the Puerto Rico -- the convention we had in Puerto Rico in September.

Q. So then if I were to click on the USHCC Foundation TV in the lower right, that takes me to another page where I can pick the videos?

A. Right.

Q. And I think you identified that as --

A. There's over 200 videos.

Q. And I believe you were asked by your counsel to identify a specific page in here.

1 LOPEZ

2 A. Right.

3 Q. I'm trying to find it myself now. Could you find
4 the page that refers to Mr. Kovacs? It looks like it's page
5 7241.

6 A. Yes.

7 Q. And do you know how long this -- do you know when
8 this video was first included in the Foundation video archive
9 that can be retrieved through the Web site?

10 A. Approximately within four weeks of the conference.

11 Q. So it was posted about four weeks after that
12 conference?

13 A. After that conference, yes.

14 Q. When was that conference?

15 A. That was in 2006, in the spring.

16 Q. And it's been on there ever since?

17 A. Yes.

18 Q. Now, I believe you said that Mr. Ko -- this was in
19 connection with a teleconsensus; is that right?

20 A. This was in connection with a telecommunications
21 workshop.

22 Q. Okay. The -- I'm sorry, back up. Mr. Kovacs had
23 originally contacted the Chamber or the Foundation?

24 A. The Hispanic Chamber.

25 Q. Okay. And they referred him to you?

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A. Right.

Q. And Mr. Kovacs had contacted the Chamber why?

A. He was inviting the Chamber to be part of his teleconsensus effort.

Q. And that was --

A. That he was doing on behalf of the U.S. Chamber.

Q. And I believe you described there were four other minority groups that were participating; is that correct?

A. I believe there were many others, but at least four that I recall. The African-American, the Asian and the other ones that I mentioned.

Q. And did -- how did Mr. Kovacs, in whatever communications you had, describe this? Was it a minority outreach program? How was this described?

A. As I recall, he wanted the participation of the Hispanic business community.

Q. Did he say how you fit within all these other groups that were going -- that were being contacted similarly?

A. He -- as I recall, it was in the context of us being identified in relationship to Hispanic businesses.

Q. Was that because he would consider Hispanic would be a minority group like other groups you've identified?

A. You would have to ask him. I don't know.

Q. You never discussed that with him? There was

1 LOPEZ

2 nothing in the communications about this being in a minority
3 outreach program?

4 A. It was not a minority outreach program. I didn't --
5 I didn't interpret it to be that. It was teleconsensus around
6 telecommunications.

7 Q. Then what is the basis of your belief it was not a
8 minority outreach program?

9 A. That it was on the topic of telecommunications. It
10 wasn't -- I didn't understand it to be minority. There were
11 other groups that were part of that.

12 Q. Now, did you make the decision not to participate in
13 the program which you were invited to?

14 A. I made the decision because I didn't know -- our
15 schedules didn't coincide.

16 Q. When did you extend Mr. Kovacs the offer?

17 A. It was extended -- to be part of this program was
18 extended by Michael Barrera on the USHCC, the Hispanic
19 Chamber.

20 Q. Hispanic Chamber. This telecommunications
21 conference was an Hispanic Chamber event or Foundation event?

22 A. It was -- we participated, as we do with all of the
23 events of this nature. So it was principally the Hispanic
24 Chamber, and we are an affiliate, so we participate.

25 Q. Did you have personal communications with Mr. Kovacs

LOPEZ

face to face?

A. Yes. We met in person that day.

Q. On the day that he gave his speech?

A. That's right.

Q. Prior to that?

A. Prior to that, I do not recall meeting him in person, no.

Q. Did you have any telephone conferences with Mr. Kovacs about this event?

A. I believe we did.

Q. When were those?

A. Before the convention, before the conference.

Q. Do you know if it was before he accepted speaking at the conference?

A. I don't recall. I don't know.

Q. You don't recall when it was?

A. No.

Q. Do you recall what was discussed?

A. Teleconsensus. He wanted the involvement of the Hispanic business community in that effort.

Q. In his effort?

A. In his effort, yeah.

Q. And you discussed that in these telephone calls?

A. Right, and the documents that he shared.

LOPEZ

Q. All right. Did you have any telephone calls to Mr. Kovacs about the event at which he spoke --

A. No.

Q. -- at the U.S. Hispanic Chamber?

You had no discussions about the event at which he spoke at the U.S. Hispanic Chamber?

A. Other than the day of the event, yeah.

Q. That was it?

A. That was it.

Q. What was the -- what did you talk to him about?

MS. PIETRINI: Objection; vague.

THE WITNESS: It was a general conversation about telecommunications.

BY MR. COLBERT:

Q. Did you talk to him about the U.S. Chamber of Commerce?

A. No, we talked about telecommunications.

Q. So you didn't talk about your business or his business, other than the context of the telecommunications business?

A. Right.

Q. You indicate that there are separate servers right now for e-mail for the Foundation and the Chamber; correct?

A. Correct.

LOPEZ

Q. What's the e-mail retention policy for the Foundation?

A. We back up everything that has gone through our server.

Q. How long do you keep them?

A. Right now, we have -- I believe we have kept it since the initiation of the server. We have tapes that go back since we started that server.

Q. Now, when you were on -- when your e-mail went through the U.S. Hispanic Chamber server, have you backed those up as well?

A. I don't -- I was not responsible initially for that. I had just come on board.

Q. You don't know if they're backed up?

A. I'm not sure.

Q. I'd have to ask somebody at the Chamber about that? But since you came on board in 2002, you've backed them up?

A. We -- no.

Q. No.

A. No.

Q. When do you know they were backed up?

A. When the servers were separated.

Q. Which you said was about a year or year and a half?

A. No, about three years ago. So approximately three

LOPEZ

years ago, yeah.

Q. All right. Sorry. Looking at Exhibit 22, which was the 25th anniversary, this document included a good deal of information about the Foundation; correct?

A. Yes.

Q. But the Foundation's logo does not appear on the first page?

A. That's correct.

Q. And looking at the daily convention newsletter, like Exhibit 20 is an example, there is information about the Foundation in here; correct?

A. Exhibit 20. Yes.

Q. And it's got both logos?

A. Yes.

Q. And looking, for example, at Exhibit 13, it's identified as the summer 2003 "Networking" newsletter.

A. Yep.

Q. And this is an example of a document you testified is published quarterly?

A. Yes.

Q. And there's a good deal of information about the Foundation in here; is that correct?

A. Yes.

Q. And on the front cover, though, it shows only the

LOPEZ

United States Hispanic Chamber of Commerce logo?

A. Yes.

Q. Now, if you look -- go back one more to Exhibit 12, which is spring '04 "Networking" newsletter. Is this an example of the same sort of publication as the previous document we just spoke about?

A. Yes.

Q. Here I see that both logos show up. Do you see that?

A. Yes.

Q. Is there a reason for that? Did you participate in the decision to change the logos that are displayed on the cover of "Networking"?

A. No. I mean, no.

Q. Were you called on to approve the cover of the spring 2004 "Networking" newsletter, Exhibit 12? Were you called on to approve that before it was published?

A. Yes.

Q. And the spring -- the summer 2003 "Networking" newsletter, which is Exhibit 13, were you called on to approve that cover before it was published?

A. No.

Q. And why is that?

A. Because it didn't include our logo.

LOPEZ

Q. Is that the only way you can tell that you weren't asked to approve that?

A. Generally that's the case, yeah.

Q. So you've never approved anything that didn't have your logo on it?

MS. PIETRINI: Objection; misstates his testimony.

THE WITNESS: I don't --

BY MR. COLBERT:

Q. I'm just saying, you started to nod your head. I just want to know what the difference is.

A. Yeah, I don't recall approving anything other than when the logo was on it.

Q. All right. So you don't have any recollection, then, being asked to approve the cover of the summer 2003 "Networking" newsletter?

A. I was not asked to -- in this case, I was not asked to approve the cover of this. I was not asked to do that.

Q. What about the contents of it?

A. Those contents -- the content that related to the Foundation that's in here.

Q. But you believe that you were asked to approve the cover of the spring 2004, Exhibit 12?

A. Yes, I was asked to approve the content -- or the cover.

1 LOPEZ

2 Q. Now, I'd like you to take a look at Exhibit 11,
3 which is another copy of the "Networking" magazine, I believe.

4 A. Yep.

5 Q. This is another example of the same quarterly
6 "Networking" publication?

7 A. Yes.

8 Q. There are no logos on the cover of this of anybody;
9 correct?

10 A. Yes, correct.

11 Q. Do you recall being asked to approve the cover of
12 the spring 2005 "Networking" magazine, Exhibit 11?

13 A. I recall not being involved in the approval of that
14 cover.

15 Q. And, again, the reason being what?

16 A. That it didn't include the logo of the Foundation.

17 Q. So I'm just trying to understand. Were you only
18 asked to approve materials displaying the Foundation logo?

19 A. Yes.

20 Q. Can you say why that is, sir?

21 A. I have no jurisdiction over anything other than the
22 USHCC Foundation. That's my responsibility.

23 Q. So let me just ask. So if you were asked to approve
24 the cover -- to use as an example, the cover of the Exhibit
25 12, the spring 2004, were you asked to do anything other than

LOPEZ

approve the form in which the logo is displayed?

A. I don't understand the question.

Q. I'm trying to ascertain, we've identified Exhibit 13 as containing a lot of information about the Foundation.

A. Right.

Q. And we've identified Exhibit 11 contains information about the Foundation.

A. Uh-huh.

Q. They're all "Networking" magazines, and you did not approve those covers. And you did approve the cover of Exhibit 12. The only difference between them -- among them, rather, is that the Foundation logo appears in the lower right of Exhibit 12.

So my question is, were you asked to do anything, any approval, input, other than that the logo was used correctly?

A. For the cover, yes.

Q. For the cover, that's it?

A. Right.

Q. Okay. Thank you.

You were asked a lot of questions towards the end of your testimony -- strike that.

You were asked a lot of questions about whether or not anyone ever communicated with you a belief that the U.S.

1 LOPEZ

2 Hispanic Chamber Foundation was the United States Chamber of
3 Commerce. Do you remember that?

4 A. Yes.

5 Q. Now, when you attended a convention, just trying to
6 understand, did you talk to everybody at the convention?

7 A. No.

8 Q. If you did speak to someone at the convention and
9 that person had a belief that the Foundation or the U.S.
10 Hispanic Chamber was associated with the U.S. Chamber of
11 Commerce but they didn't mention it to you, you wouldn't know
12 one way or the other, would you?

13 A. No.

14 Q. So you only go based on what your recollection is of
15 what people actually said to you; correct?

16 A. Correct.

17 Q. And you were asked a lot of questions with respect
18 to the connection between the Foundation and the United States
19 Chamber of Commerce. Did at any time anyone indicate to you
20 that someone thought there was an affiliation or association
21 between the United States Chamber of Commerce and the United
22 States Hispanic Chamber of Commerce?

23 A. No.

24 Q. Do you know of any person who was identified as
25 being employed or affiliated with the United States Hispanic

LOPEZ

Chamber of Commerce who actually was employed by the United States Chamber of Commerce?

A. No.

Q. You just don't know about that?

A. I don't know about that.

Q. So would you necessarily know about that?

A. If they worked for the Foundation, I would know their job history. But no, I would not know that.

Q. So if they worked for the Chamber, the Hispanic Chamber, as opposed to the Foundation, you wouldn't necessarily know if those events ever occurred?

A. That's correct.

MR. COLBERT: If you could give us five.

(Recess.)

BY MR. COLBERT:

Q. I just have a clarifying question, just so I understand. Are you a member of the board of directors of the United States Hispanic Chamber?

A. No.

Q. Are you a member of the board of directors of the United States Hispanic Chamber Foundation?

A. No.

MR. COLBERT: I am going to add to my various objections. I will add what was marked as Exhibit 4 late

1 LOPEZ

2 produced, I think produced long after close of discovery,
3 produced this week or yesterday, whenever it was, very
4 recently, not with a group of material with which we got the
5 DVD but maybe a day or two before that. I'm just renewing
6 that.

7 With that, it's your witness, Ms. Pietrini.

8 REDIRECT EXAMINATION

9 BY MS. PIETRINI:

10 Q. Looking at Exhibit 4, Mr. Lopez, which is the
11 Foundation Web site.

12 A. Yes.

13 Q. Does Exhibit 4 represent every single page of the
14 Foundation's Web site?

15 A. No.

16 Q. About how many pages is the Foundation's Web site?

17 A. About 50 pages.

18 Q. Looking at Exhibit 5, which is the Hispanic
19 Chamber's Web site.

20 A. Yes.

21 Q. Does Exhibit 5 reflect every single page of the
22 Hispanic Chamber's Web site?

23 A. No.

24 Q. About how many pages is the Hispanic Chamber's Web
25 site?

LOPEZ

A. That one is around 400.

Q. And you were asked during the cross-examination by Mr. Colbert about names that were used to identify the parties in this deposition today, this testimony deposition. Do you recall that?

A. Yes.

Q. Are those the normal names that you use to refer to the parties, like just the Foundation or Hispanic Chamber?

A. I use -- yes.

Q. Have you abbreviated any of the parties' names?

A. I have, for sake of brevity here in this proceeding.

MS. PIETRINI: I don't have any further questions.

RECROSS-EXAMINATION

BY MR. COLBERT:

Q. Have you abbreviated for the sake of brevity in other meetings?

A. It depends what audience I'm meeting with.

Q. Sometimes yes, sometimes no?

A. Yes, sometimes yes.

MR. COLBERT: I have no further questions.

MS. PIETRINI: And we have the stipulation that he can sign under penalty of perjury, doesn't have to be before the notary.

MR. COLBERT: That's correct. Not before the

LOPEZ

reporter; right? You wanted just a declaration as opposed to affidavit?

MS. PIETRINI: Yeah. No notarization.

MR. COLBERT: Okay. We've been stipulating to that?

MR. KANE: We haven't been stipulating to ours.

MR. COLBERT: Oh, you haven't stipulated to us not having to have an affidavit?

MR. KANE: No.

MS. PIETRINI: I think you've already signed them; right?

MR. KANE: We haven't submitted them to the Board yet.

MS. PIETRINI: Yeah, I don't care.

MR. COLBERT: Good. What's good for the goose is good for the gander. That's all I want to know.

MS. PIETRINI: Keep in mind, I'm about to get three different versions of your testimony depositions. I don't know --

MR. COLBERT: Which is why sometimes having the affidavit is a good thing, but declaration is fine once it's signed.

MS. PIETRINI: It's just signing under penalty of perjury, that's all. Otherwise, you have to sign before a notary, and we're just saying we don't want Mr. Lopez to have

1 LOPEZ

2 to sign it before a notary public, that's all.

3 (Discussion off the record.)

4 MR. COLBERT: I just want to ask about the
5 third-party depositions, whether they're still going forward
6 or not, because we're -- you know, we're preparing to show up.
7 I want to make sure if they're on or off. You let us know.

8 MS. PIETRINI: We're planning that they show up or
9 they will be in contempt.

10 MR. COLBERT: All of them?

11 MS. PIETRINI: As far as I know.

12 MR. KANE: None of the dates are changing as of
13 right now.

14 MS. PIETRINI: No.

15 MR. COLBERT: Or times.

16 MS. PIETRINI: No.

17 (Whereupon, at 4:49 p.m., the deposition was
18 concluded.)
19
20
21
22
23
24
25



Frank López
President and CEO

EXECUTIVE COMMITTEE

Massey Villarreal
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Vice Chairperson

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Manatt Phelps Phillips

Attn: Mr. Andrew Eliseev

11355 W. Olympic Blvd

Los Angeles, CA 90064

RE: The Chamber of Commerce of the United States of America vs. United States Hispanic Chamber of Commerce Foundation, Opposition No. 94-56-321

Dear Mr. Andrew:

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 27, 2008

Frank Lopez, President and CEO

of the United States Hispanic Chamber of Commerce Foundation

I HEREBY CERTIFY that I have read this transcript of my deposition and that this transcript accurately states the testimony given by me, with the changes or corrections, if any, as noted.

X

X
Notary Public

My commission expires:

LOPEZ

C O N T E N T S

WITNESS

DIRECT CROSS REDIRECT RECROSS

FRANK LOPEZ

by MS. PIETRINI

4

240

by MR. COLBERT

159

241

E X H I B I T S

EXHIBIT NO.

IDENTIFIED OFFERED

Exhibit 1 - USHCC Foundation logos

13

157

Exhibit 2 - brochure describing

USHCC Foundation

16

157

Exhibit 3 - business card of Mr. Lopez

25

157

Exhibit 4 - USHCC Foundation Web site

and attached pages

26

157

Exhibit 5 - USHCC Web site and attached pages

28

157

Exhibit 6 - press release re: scholarship

program

29

157

Exhibit 7 - description from USHCC's Web site

re: internship program in conjunction with

Avis Rent-a-Car

30

157

--continued--

LOPEZ

CONTENTS (Continued):

EXHIBIT NO.	IDENTIFIED	OFFERED
Exhibit 8 - press release re: election of vice chair of USHCC board of directors	32	157
Exhibit 9 - Avon salute to Latina entrepreneurs	33	157
Exhibit 10 - document entitled "17th Annual Legislative Conference"	34	157
Exhibit 11 - "Networking Spring 2005"	43	157
Exhibit 12 - "Networking Spring 2004"	47	157
Exhibit 13 - "Networking Summer 2003"	50	157
Exhibit 14 - USHCC Foundation fund-raising brochure	55	157
Exhibit 15 - "USHCC Foundation, fall 2003"	58	157
Exhibit 16 - donation ad of USHCC Foundation	65	157
Exhibit 17 - "2007 Annual Convention Business Expo and International Pavilion"	67	157
Exhibit 18 - document to state mission of USHCC Foundation	68	157
Exhibit 19 - "Inaugural Family Day and Golf Classic 2002"	71	157
Exhibit 20 - "Daily Convention Newsletter"	74	157

--continued--

LOPEZ

CONTENTS (Continued):

EXHIBIT NO.	IDENTIFIED	OFFERED
Exhibit 21 - "Daily Convention Newsletter, September 17, 2005"	78	157
Exhibit 22 - 25th anniversary convention magazine	79	157
Exhibit 23 - DVD	135	157

LOPEZ

CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, CARMEN SMITH, THE UNDERSIGNED CERTIFIED SHORTHAND
REPORTER, IN AND FOR THE DISCTRICT OF COLUMBIA, DO HEREBY
CERTIFY: THAT THE FOREGOING PROCEEDINGS WERE TAKEN
BEFORE ME AT 700 12TH STREET, NORTHWEST, SUITE 1100
WASHINGTON, DC ON FEBRUARY 20, 2008, BEGINNING AT 9:34 A.M.
AND ENDING AT 4:49 P.M., AT WHICH TIME THE WITNESS WAS
PUT UNDER OATH BY ME; THAT ALSO PRESENT WAS
COUNSEL FOR OPPOSER U.S. CHAMBER OF COMMERCE;
THAT THE TESTIMONY OF THE WITNESS AND ALL OBJECTIONS AT
THE TIME OF THE PROCEEDINGS WERE RECORDED
STENOGRAPHICALLY BY ME AND WERE THEREAFTER TRANSCRIBED
UNDER MY DIRECTION; THAT THE FOREGOING IS A TRUE RECORD
OF THE TESTIMONY AND OF ALL OBJECTIONS MADE AT THE TIME
OF THE PROCEEDINGS; THAT I HAVE NOT BEEN DISQUALIFIED
FROM TRANSCRIBING THE DEPOSITION UNDER FEDERAL RULE OF
CIVIL PROCEDURE 28.

IN WITNESS WHEREOF, I HAVE SUBSCRIBED MY NAME ON:

DATE: March 3rd, 2008.


CARMEN SMITH

1 NAME OF CASE:

2 DATE OF DEPOSITION:

3 NAME OF WITNESS:

4 Reason Codes:

5 1. To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page _____ Line _____ Reason _____

9 From _____ to _____

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24 _____

25 _____

LOPEZ

Docket No. 27206-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

----- x

In Re Application Serial No. 78/081,732 :
for U.S. HISPANIC CHAMBER OF COMMERCE :
FOUNDATION & Design :
:
THE CHAMBER OF COMMERCE OF THE : Opposition No.
UNITED STATES OF AMERICA, : 91-156,321
Opposer, :
vs. :
UNITED STATES HISPANIC CHAMBER OF :
COMMERCE FOUNDATION, :
Applicant. :

----- x

DEPOSITION OF FRANK LOPEZ

Washington, DC

Wednesday, February 20, 2008

REPORTED BY:

CARMEN SMITH

Serial Number:
78081731



Opp. No. 91-156321

U.S. Chamber of Commerce v.
United States Hispanic Chamber
of Commerce Foundation

Applicant United States Chamber
of Commerce Foundation

Exhibit Number 1







Where
Youth &
Opportunity
Meet



United States Hispanic Chamber of Commerce Foundation

Opp. No. 91-156321

U.S. Chamber of Commerce v.
United States Hispanic Chamber
of Commerce Foundation

Applicant United States Chamber
of Commerce Foundation

Exhibit Number 2



H02852

Where Youth & Opportunity Meet

Contents

A Message From the President	1
Mission	2
Goals	2
Investment Opportunities	2
Sponsorship Categories:	
Entrepreneur	3
Visionary	4 - 5
Venturer	6
Mentor	7
Other Giving Opportunities	8 - 9

For more information on the USHCC Foundation and the Youth Entrepreneurship Program visit us online:

www.ushccfoundation.org

The USHCC Foundation, Inc., is a 501(c)(3) organization in good standing with the Internal Revenue Service listed under the EIN # 52-1754021. Please call 877-829-5500 at the Internal Revenue Service to verify this information.

Welcome

The United States Hispanic Chamber of Commerce Foundation is committed to the purpose of giving Hispanic youth alternatives for life preparation. We provide youth leadership training, entrepreneurial skills and business acumen to ensure that Hispanic youth reach their full potential and become future business leaders.



To fulfill this mission, the USHCC Foundation builds alliances, partnerships and collaborative efforts to link Hispanic youth to educational programs. These programs will develop and enhance their business skills, close the digital divide, increase economic awareness, encourage alternative learning methods and positively impact their cultural self image.

The development of these tools through the established programs of the Foundation serves to open the vista of entrepreneurship to Hispanic youth. We will foster the creation, growth and expansion of minority-owned businesses and guide our youth to formulate a positive and valuable business contribution in the global economy.

Jane Lee Garcia
President & CEO,
USHCC Foundation, Inc.

A handwritten signature in dark ink, appearing to read "Jane Lee Garcia", written over a light background.



"Help us build a future
for Hispanic youth."

Mission

The USHCC Foundation is dedicated to giving Hispanic youth alternatives for life preparation by providing leadership training, entrepreneurial skills, and business-acumen.

Goals

The USHCC Foundation seeks to build alliances and in collaborative efforts and partnerships to link our Hispanic youth to programs that will develop and enhance their entrepreneurial skills. The Foundation works to close the digital divide; build applied learning skills; strengthen work-force readiness; teach economic awareness, and financial literacy; and create the next generation of business leaders.

Investment Opportunities

To invest in the future of Hispanic youth, choose from our donor categories. Your generous gift will help create the next generation of Hispanic entrepreneurs.

The USHCC Foundation's Youth Entrepreneurship Program is a national pilot being established in six U.S. cities, with a significant Latino presence. Students and young adults will learn advanced business skills while developing business plans, entering competitions, making real investments and tracking investment growth. In addition, participants will become proficient in e-Commerce and related technology.



Entrepreneur

Endowments of \$1 million or more

The leader among sponsors, the Entrepreneur, creates an endowment to ensure that the Youth Entrepreneurship Program continues to serve increasing numbers of students and fosters the next generation of businessmen and women. The endowment is a gift of perpetuity. Each one provides the dual benefit of creating new funds every year through interest income while conserving the original contribution. The \$1 million principal is invested and never spent. As the investment grows, part of the interest is harvested for program expenses while the remaining interest is reinvested so the principal grows.

The Entrepreneur may flag this fund:

- To buy technology for the Casa Cyber Centers
- To expand Casa Cyber Centers
- To help launch a new local site named for the donor, a brass plaque on-site will commemorate the name
- To sponsor an existing site named for the donor, a brass plaque on-site will commemorate the name
- For program operations
- For general services

In addition to having the name commemoration on-site, Entrepreneurs will also be honored exclusively at a USHCC Foundation annual luncheon and invited to deliver a keynote address. Endowment funds will be named for donors. With donor approval, the USHCC Foundation will announce gifts to the national media. Entrepreneurs will be announced at the major donor reception. At the major-donor reception, the Entrepreneur can post signage, and each will receive a full-page color ad in the reception program.

H02856

The Visionary donor is that exceptional individual or organization whose gift is instrumental to program startup. The Visionary Sponsorship gift provides principal funds towards the National Bizfest, as well as helping to implement Casa Cyber Centers. Together these two program components construct the building blocks of the Youth Entrepreneurship Program by providing the lessons, hands-on activities, skills, facilities, and services crucial to profitable entrepreneurship.

The National Bizfest offers young entrepreneurs three exciting days of mentorship, classes, business-plan development, and establishing contacts with top entrepreneurs.



Hispanic youth at the USHCC Annual National Convention and Business Expo

Casa Cyber Centers provide technology and facilities essential to competing in the 21st century. This program component is part of the USHCC Foundation's national Bridge-the-Digital-Divide effort. The Casa Cyber initiative has demonstrated the importance of technology access and computer literacy to at-risk youth and young adults pursuing education and seeking

employment. Centers established in each of the six Youth Entrepreneurship Program regions provide skills that students need for access to educational and career opportunities. Students learn computer basics, business use of the Internet and other applications for technology, and gain an understanding of e-Commerce. The project also teaches interpersonal skills.

Casa Cyber Centers will be named for Visionaries, who fully establish them. During each center dedication ceremony, a brass plaque with the founding donor's name will be installed. Also, at the annual major-donor reception, Visionaries will be invited to give brief remarks. Visionaries can post signage, and these donors will receive a half-page color ad in the reception program. With donor approval, the USHCC Foundation will announce Visionary gifts to national media.



Bottom: USHCC Foundation, 2000 Scholarship Recipients
Top right: George Herrera, President & CEO, USHCC
3rd from top left: Jane Lee Garcia, President & CEO, USHCC Foundation
4th from top left: Lillian Lujan-Hickey, Chairwoman, USHCC Foundation
Top left: Patricia Chavez, National Development & Student Program Consultant, USHCC Foundation

Venturer
\$500,000



Venturers can lead students into cyber frontiers by supporting Casa Cyber Centers where students acquire computer skills and learn e-Commerce techniques.



USHCC Foundation Youth Entrepreneurship and the National Hispanic Leadership Institute co-sponsor the "Latinas Learning to Lead" BizFest in Washington DC.

Venturers can become principal supporters of Local and National BizFest events. The BizFest is the cornerstone of the Youth Entrepreneurship Program and provides classes on mentorship, business-plan development, competition, business plan presentations, real-world money management and investment savvy. Students learn from experts to create profitable ventures, to invest real money, and track growth. Hands-on lessons boost self-esteem, teach sound decision making, develop job skills, and demonstrate that actions have consequences.

The USHCC Foundation will thank Venturers at an annual reception for all major donors. The top Venturer will be invited to give brief remarks at the reception. Venturers can post signage, and these donors will each have a one-third page black-and-white ad in the reception program. With donor permission, the gifts will be announced to local media.



Mentor

\$300,000

Mentors can be principal sponsors of the National BizFest student conference and the local BizFest finalists. The USHCC Foundation hosts the three-day National BizFest at the annual USHCC Convention & Business Expo. In addition to advanced business classes and business-plan development, the National BizFest offers mentorship and one-on-one exchange with leading Hispanic executives. Participants receive curriculum materials, attend a field trip, and write and present a business plan.

Mentors can become major donors for the Local BizFest, thus ensuring significant support for events, operations, and classes for hundreds of students at regional sites nationwide. Students learn from business experts how to turn hobbies into profitable ventures, manage money, and develop a business plan. Local and National BizFests are key components in the Youth Entrepreneurship Program.

Mentors interested in "nuts & bolts" support may help fund either staff or professional services nationwide for one year.

At the annual major-donor reception, the top Mentor of the year will be invited to deliver the closing remarks. Mentor signs and banners will be posted, and each Mentor will have a one-quarter page black-and-white ad in the reception program. With donor approval, Mentor gifts will be announced to local media.



Other Giving Opportunities

An annual Foundation reception will honor all major donors. Our newsletter and Honor Roll will highlight their names. With donor approval, major gifts will be announced to local media.

Major Donors

\$150,000

Will help sponsor local BizFest classes and offer business instruction to hundreds of students.

\$100,000

Will provide major support for Local BizFest classes around the country; or fund many professional services regionally; or host National BizFest classes at the annual USHCC Convention & Business Expo and staff expenses at one regional site and cover BizFest classes at one regional site.

Friends

\$50,000

Will sponsor major expenses of the annual Young Entrepreneurship BizFest Award Competition for business-plan winners from the regional sites; or provide venture capital for students to learn real-world investing in year-round classes; or pay staff expenses at one regional site; or sponsor professional services at one regional site.

\$25,000

Will sponsor local BizFest classes at one regional site; or one National BizFest class at the National USHCC Convention & Expo; or one Local BizFest class for 30 students.



Annual Fund

\$10,000

Will create stipends and honoraria for speakers; or provide student accommodations at the Young Entrepreneurship BizFest National Award Competition; or train staff for the BizFest; or purchase business cards for students across the six regions; or give a one-year subscription of *KidWay YoungBiz* magazine to 360 students; or create the Youth Entrepreneurship Program software server for Internet access and cyber communication across all six regions.



\$5,000

Will deliver business-plan workbooks to students in six regions; or allow hundreds of students to subscribe to *The Wall Street Journal*; or equip students with business calculators and print graduation certificates for participants who complete the program.

\$1,000

Will fund business-plan software for one regional site; or support student travel to national events.



Donor Asset Program

Charitable Gifts & Donations

The United States Hispanic Chamber of Commerce (USHCC) Foundation Inc. is proud to announce the appointment of ATM Service Ltd., as the official disposition agency to remarket assets donated to the USHCC Foundation, Inc. from corporations and individuals. Donations may include products, services, commodities, personal items, real estate and/or any type of asset and will act as a contribution to the strategic missions of the USHCC Foundation, Inc.

As a corporation or an individual, you can donate your assets to support a specific program: i.e. entrepreneurial programs, educational programs, Hispanic awareness marketing programs, building funds, etc. This creative program allows the USHCC Foundation, Inc. to accept all types of assets as contributions to our social and educational programs for the benefit of the Hispanic community in the United States.

Through the USHCC Foundation link at www.ushcc.com you can access an e-Commerce website that will enable you to track our activities as well as make your asset contribution to support the program of your choice.

The USHCC Foundation, Inc. is an established foundation under the ruling of donation acceptance according to the Internal Revenue Service, section 501(c)(3) of the U.S. tax code. This allows us to accept tax-free donations that will be credited to any corporation, foundation or organization that makes a direct donation to the USHCC Foundation, Inc. Our tax ID number is 52-1754621.

Please mail your completed form in the envelope provided:



USHCC Foundation, Inc.
Sponsorship Department
2175 K Street, NW
Suite 100
Washington, DC 20037
(202) 842-1212 Tel
(202) 429-0835 Fax

H02863



Sponsorship Form

General Information

Name _____
Title _____
Company _____
Address _____
City _____
State _____ Zip _____
Phone (____) _____
Fax (____) _____
e-mail _____

Billing Information

☐ Visa ☐ Mastercard
☐ Discover ☐ American Express

Total Amount: \$ _____

Name (as it appears on the card): _____

Card Number: _____

Expiration Date: _____

Signature: _____

Please mail your completed form in the envelope provided.



USHC Foundation, Inc.
Sponsorship Department
2175 K Street, NW
Suite 100
Washington, DC 20037
(202) 842.1212 Tel
(202) 429.0835 Fax

H02864

H02865



United States Hispanic
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United States Hispanic Chamber of Commerce Foundation



H07230

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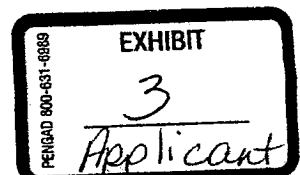
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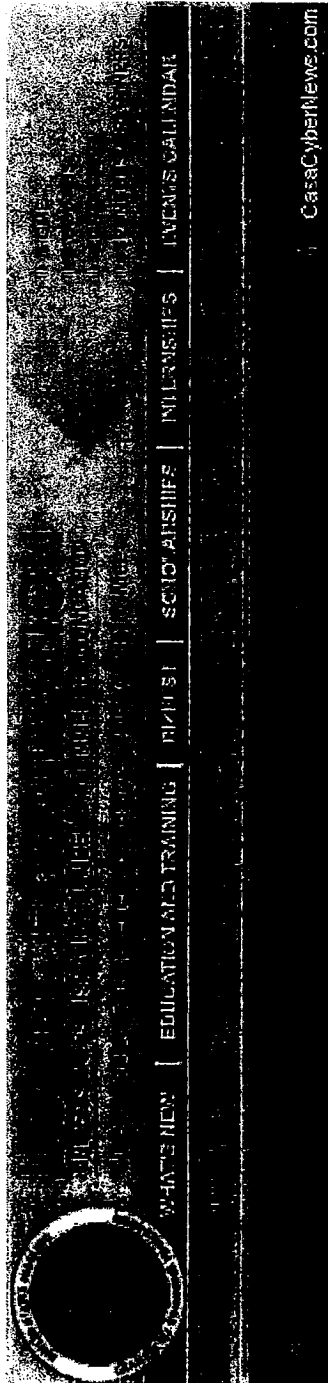
U.S. Chamber of Commerce v.
United States Hispanic Chamber
of Commerce Foundation

Applicant United States Chamber
of Commerce Foundation

Exhibit Number

3





Opp. No. 91-156321

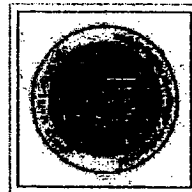
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of Commerce Foundation

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4

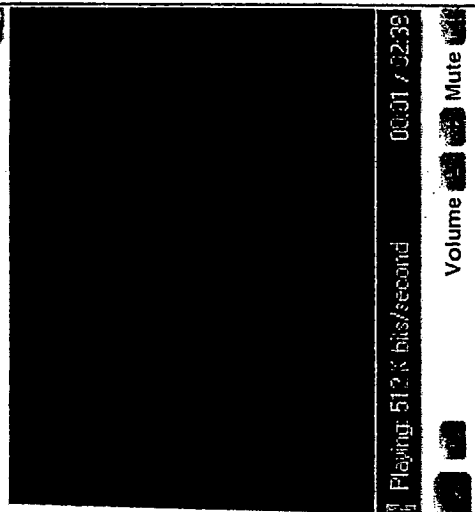
Dear Colleagues, I
would like to take this
opportunity to bring
to your attention the
recent partnership
we at the United...
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[More News](#)

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USHCC FOUNDATION AT WORK

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Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training - Strategic initiative will provide supply chain



The USHCC Foundation establishes visionary Strategic Plan focused on Capacity Building, Leadership Development and Hispanic

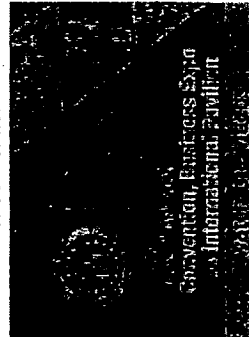


USHCC Foundation Launches "Video-On-Demand" Online E-Learning TV - View Video from Recent 27th Annual National Convention and

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PR Convention



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EXHIBIT

4

Applicant

H07239

training to local Hispanic Chamber of Commerce Executives through \$300,000 grant from the Comcast Foundation

☐ Press release

Business Policy and Research

☐ Press release

Other Online Video-On-Demand USHCC Foundation Channels

☐ Press release

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☐ September Newsletter

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27TH ANNUAL NATIONAL CONVENTION & BUSINESS EXPO

☐ USHCC Foundation September 2006 Newsletter -- Special E-News Edition

☐ USHCC Foundation to hold Plenary Session

☐ National Leadership & Chamber Excellence Training Institute

☐ Executive Juan Cento To Be Honorary Chair of 6th Annual Golf Classic

☐ 2nd Annual Small Business & Workforce Development Pavilion Presented by FedEx

☐ Ford Motor Company Fund President to be named Honorary Chair of Bizfest Competition

☐ Public Schedule Of Events

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H07240

2/19/2008



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[Previous](#) | [Next](#)

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Comcast
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William L. Kovacs ▶ Play

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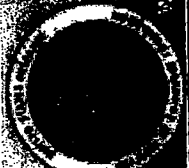
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WHAT'S NEW | EDUCATION AND TRAINING | RIGHTS | SCHOLARSHIPS | INTERNSHIPS | EVENTS CALENDAR



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MESSAGE FROM THE PRESIDENT

"As we wrap up the many USHCC Foundation activities of 2005, it is with great pleasure that I welcome you to the new USHCC Foundation Newsletter. In 2006, we will begin distributing the newsletter on a bi-weekly basis to our email subscribers with Foundation news, education resources, technology tips, and much more. The Foundation focus is to provide value added resources to local Hispanic chamber across the country and I am proud of the work we have done so far. The coming year promises even more exciting initiatives including the launch of USHCC Foundation TV, of the national Casa Cyber Community Technology project, and of course, the launch of the USHCC Foundation Newsletter to name a few. I would like to take this opportunity to wish all of our friends a very Happy Holiday Season and a wonderful New Year! ❖ Message from the Board Chair

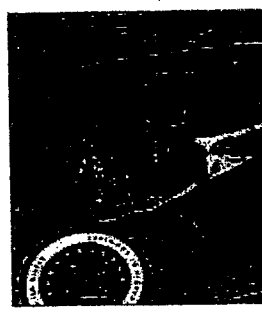
❖ Mission

Frank Lopez - President

❖ Frank Lopez - President

❖ Board Of Directors

Frank Lopez serves as the President of the United States Hispanic Chamber of Commerce Foundation (USHCC Foundation). Mr. Lopez was recently selected by the USHCC Foundation Board of Directors to serve as the President of the United States Hispanic Chamber of Commerce Foundation (USHCCF). As head of the USHCCF, Mr. Lopez is primarily responsible for providing executive leadership and promoting the goals and mission of the USHCCF, and for pursuit of an aggressive and targeted fundraising campaign to ensure successful implementation of the youth entrepreneurship initiatives of the USHCCF.



Prior to joining the USHCC Foundation, Mr. Lopez served as the Director of the Project Management Practice of the Global Professional Services Group of Nortel Networks serving the Caribbean and Latin America (CALA) markets where he experienced success in the implementation of a \$100M portfolio of technology driven telecommunications projects. In this strategically crucial role, Mr. Lopez organized and established a Project Management Office to support the service delivery process for a regional group with locally dispersed tactical project management Teams throughout the Caribbean and Latin America, addressing 47 countries with 4

H07242

2/19/2008

different languages and over a dozen different and complex locally-based operational support structures.

Mr. Lopez has had extensive governmental experience and success in leading not-for-profits entities to extensively develop community-based residential opportunities and services for people with developmental disabilities being recognized on numerous occasions by the New York State legislature for his successful and measurable contributions in helping empower minority communities and helping expand procurement opportunities in government for minority and women-owned businesses.

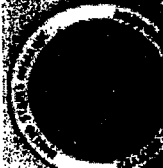
While serving as an Executive with the State of New York, Mr. Lopez was instrumental in framing a statewide community-based capacity building program that led to the implementation of community-based strategic organizational support initiatives such as the establishment of: a **\$1.7M Cash Flow Revolving Loan Pool** to provide enterprise bridge and working capital loans to non-profit organizations; a **\$600K Transportation Support Program** that increased transportation access to needed support services for over 400 families with members with developmental disabilities; a **\$150K Technology and Multimedia Support Project** that provided computer hardware, automation assessment and multimedia software training support to sustain growth and infrastructure needs of over 25 non-profit organizations; and a **Project for Social Entrepreneurs and Youth Entrepreneurship** that enabled 12 organizations to collectively generate more than \$3.6 in additional earned income per year for investment in core supportive services for special needs individuals and their families.

Mr. Lopez has also served as a Senior Executive with the National Institute for People with Disabilities and with the New York City based Wildcat Service Corporation where he led an effort that led to government and private sector contract awards and subsidies to develop residential units with a capital budget of \$3.5M and an annual supportive services budget of \$2.3M for the benefit of individuals with special needs and their families, and where as a significant contributor, he led Teams in the execution of strategic plans that attained and sustained talent pool outsourcing agreements employing over 1,800 individuals with a revenue base of \$16.0M per year in the area of supportive employment programs for youth and welfare-to-work participants.

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H07243

2/19/2008



[HOME](#)
[ABOUT US](#)
[MISSION](#)
[INTERNSHIPS](#)
[EVENTS](#)
[CONTACT](#)

[WHAT'S NEW](#)
[EDUCATION AND TRAINING](#)
[CAPACITY BUILDING](#)
[SCAD APSPHIPS](#)
[INTERNSHIPS](#)
[EVENTS](#)



About Us

☐ Mission
 ☐ Frank Lopez - President
 ☐ Board Of Directors

Mission

The USHCC Foundation is committed to the purpose of giving Latino entrepreneurs alternatives for life preparation and life-long learning by developing and implementing initiatives and educational campaigns to awaken and nurture their entrepreneurial spirit. The Foundation will leverage corporate and public support to ensure that existing and aspiring Latino entrepreneurs gain access and achieve success in the world of business.

To fulfill this mission, the USHCC Foundation builds alliances, partnerships and collaborative efforts to link Latino entrepreneurs of all ages to educational programs that will develop and enhance their critical thinking, leadership and entrepreneurship skills. In addition to our focus on leadership development skill-sets for all principal stakeholders within our national network, the USHCC Foundation is strategically focused on advancing the development of a Hispanic Business policy and research agenda that seeks to illustrate the trends, challenges and business development opportunities that benefit Hispanic entrepreneurs.

Another significant area of strategic and programmatic activity for the USHCC Foundation is the development of Chamber and Entrepreneur Capacity Building strategies that further the capacity of our network to leverage resources to achieve operational improvements that are growth-driven with measurable outcomes of benefit to local and regional Hispanic Chambers of Commerce and Latina and Latino entrepreneurs from throughout the country.

MESSAGE FROM THE BOARD CHAIR

Welcome back to the USHCC Foundation E- Newsletter. First and foremost I want to congratulate our Foundation President, Frank Lopez, and the Foundation staff on recently reaching an organization milestone. In late May, the USHCC Foundation relocated to independent office space. Since the organization's inception, the USHCC Foundation has co-located with its peer organization, the USHCC. This move marks a path of steady growth for the Foundation, for which I am proud to be part of and which I commend Frank Lopez and the staff of the USHCC Foundation for their continued hard work and dedication in the mission of addressing the issues and needs of Latino entrepreneurs through our network of local Hispanic chambers of commerce across the country. Please join me in congratulating the USHCC Foundation in their accomplishments.

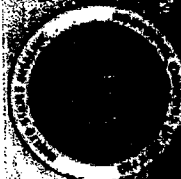
Message from the President

H07244

2/19/2008

The Foundation aims to leverage corporate and public support to ensure Latino entrepreneurs and Hispanic Chambers of Commerce gain access and achieve success in the business world. The Foundation believes these relationships will help Latino entrepreneurs, including Latino youth and Hispanic Chambers of Commerce to expand their horizons and accomplishments locally, nationally as well as internationally.

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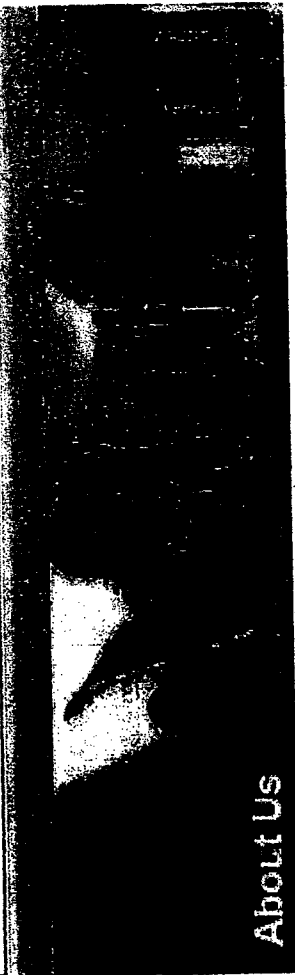
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UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION

[WHAT'S NEW](#) | [EDUCATION AND TRAINING](#) | [HIGHEST](#) | [SCHOLARSHIPS](#) | [INTERNSHIPS](#) | [EVENTS CALENDAR](#)

[Home](#) | [About Us](#) | [Mission](#) | [Board of Directors](#) | [Officers](#) | [Contact Us](#)

ABOUT US



About Us

❖ **Mission** ❖ **Frank Lopez - President** ❖ **Board Of Directors**

UNITED STATES HISPANIC CHAMBER OF COMMERCE FOUNDATION BOARD OF DIRECTORS

- Region 1 and 2
- Region 3 and 4
- Region 5 and 6

❖ **OFFICERS**

WHAT'S NEW

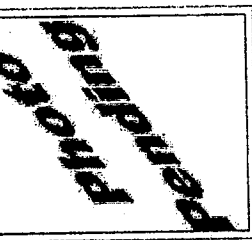
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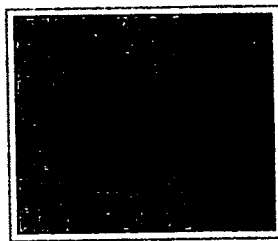
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Special Message from the USHCC Foundation Chairman ... [more](#)

[More News](#)



Vice Chair



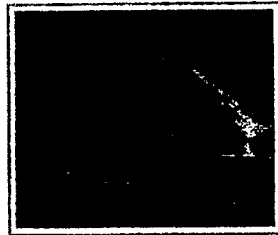
Chair

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2/19/2008

Vacant Vice Chair Officer Position

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Website: www.brownandwhiteinc.com



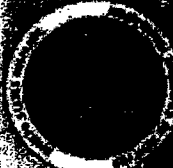
Secretary

Mr. Bill Miera
CEO
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E.A Email: cflores@flora-ind.com

Treasurer

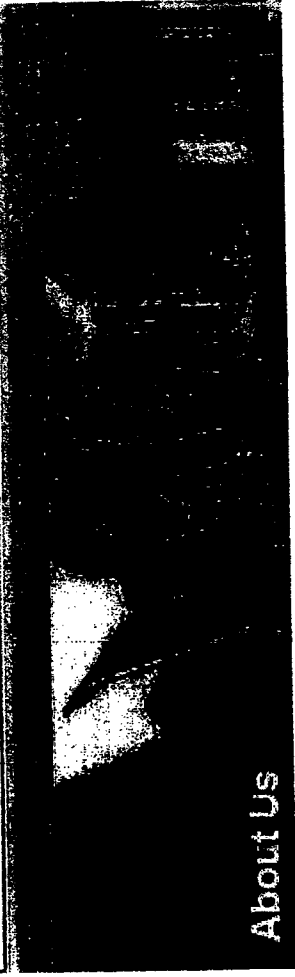
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Fax: 916-646-3983
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■ ABOUT US



About Us

- ❖ Mission
- ❖ Frank Lopez - President
- ❖ Board Of Directors

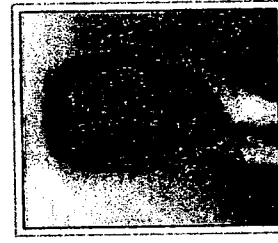
UNITED STATES HISPANIC CHAMBER OF
COMMERCE FOUNDATION BOARD OF DIRECTORS

- ➔ Officers
- ➔ Region 3 and 4
- ➔ Region 5 and 6

■ REGION 1



Region 1



Region 1

■ WHATS NEW

Special Message from the President ...
❏ more

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
❏ more

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...
❏ more

Special Message from the USHCC Foundation Chairman ...
❏ more

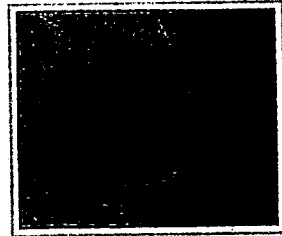
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H07248

2/19/2008

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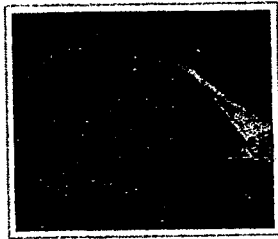
REGION 2



Region 2

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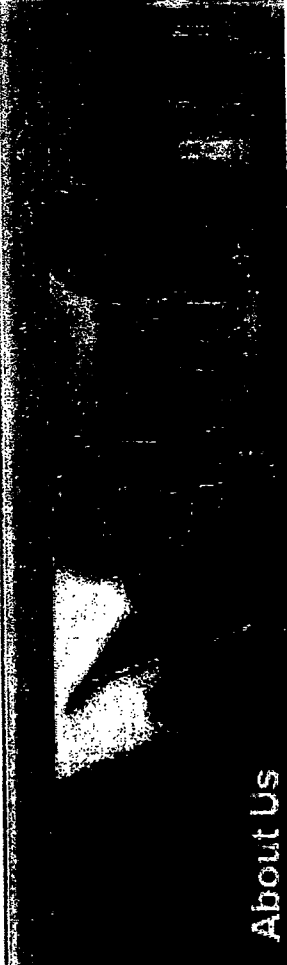
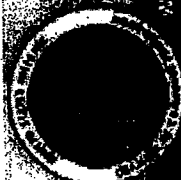
Region 2

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H07249

2/19/2008



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[WHAT'S NEW](#) | [EDUCATION & TRAINING](#) | [EVENTS](#) | [SCHOLARSHIPS](#) | [MISCELLANEOUS](#) | [EVENTS CALENDAR](#)

■ ABOUT US

❖ Mission

❖ Frank Lopez - President

❖ Board Of Directors

UNITED STATES HISPANIC CHAMBER OF
COMMERCE FOUNDATION BOARD OF DIRECTORS

➔ Officers

➔ Region 1 and 2

➔ Region 5 and 6

■ REGION 3



Region 3



Region 3

■ WHAT'S NEW

Special Message from the President ...
❖ more

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
❖ more

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...
❖ more

Special Message from the USHCC Foundation Chairman ...
❖ more

❖ More News

H07250

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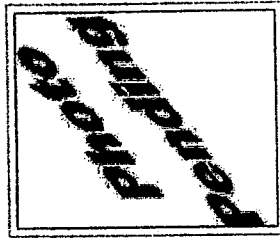
■ REGION 4



Region 4

Vacant Director Position

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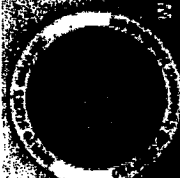
Region 4

Vacant Director Position

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H07251

2/19/2008



[HOME](#)
[ABOUT US](#)
[MISSION](#)
[BOARD OF DIRECTORS](#)
[OFFICERS](#)
[REGION 5](#)
[TRAINING](#)
[EDUCATION](#)
[SOCIETY](#)
[CALENDAR](#)

ABOUT US



About Us

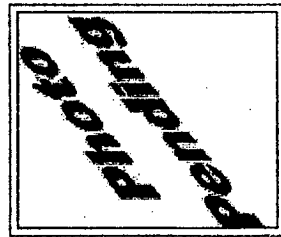
Mission

❖ Frank Lopez - President

❖ Board Of Directors

UNITED STATES HISPANIC CHAMBER OF
COMMERCE FOUNDATION BOARD OF DIRECTORS

REGION 5



Region 5



Region 5

WHATS NEW

Special Message from the President ...
❖ more

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
❖ more

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...
❖ more

Special Message from the USHCC Foundation Chairman ...
❖ more

❖ More News

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Owner

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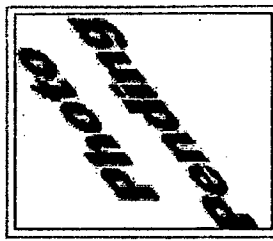
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arodriguez@xtrasupermarket.com

E.A: none

Manager: Alpha Escolastico caalpha@aol.com

■ REGION 6



Region 6

Vacant Director Position

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President

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Website: www.etcpc.com

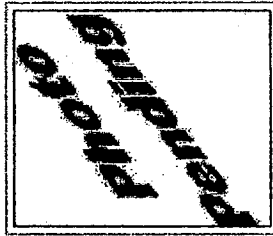
Phone: 973-907-2216/ 973-424-6430

Fax: 973-839-5793

Email: agarcia@etcpc.com

E.A: Hong Lee

E.A Email: hlee@etcpc.com

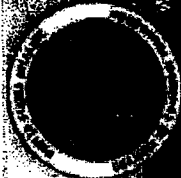


Region 6

Vacant Director Position

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H07253



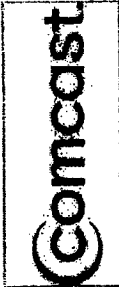



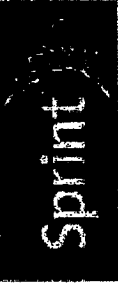
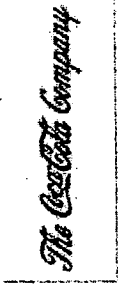



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UNITED STATES HISPANIC CHAMBER OF COMMERCE

[HOME](#) | [ABOUT US](#) | [GOVERNANCE](#) | [CONTACT](#) | [EVENTS](#) | [CALENDAR](#)

[WHAT'S NEW](#) | [EDUCATION AND TRAINING](#) | [RIZULIST](#) | [SCAD ARSHIPS](#) | [INTERNSHIPS](#)

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WHATS NEW

Special Message from the President ... [more](#)

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ... [more](#)

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ... [more](#)

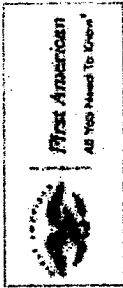
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[More News](#)

H07254



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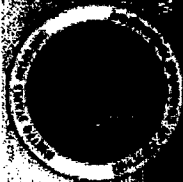


❖ First American Corp



❖ Shop With Purpose

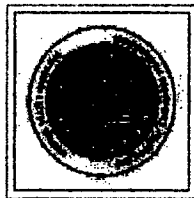
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[WHAT'S NEW](#) | [EDUCATION AND TRAINING](#) | [RIZQIST](#) | [SCHOLARSHIPS](#) | [INTERNET RESOURCES](#) | [EVENTS CALENDAR](#)

WHAT'S NEW

10 per page



Special Message from the President ...

Dear Colleagues,

I would like to take this opportunity to ...

[details](#)

USHCC Foundation Statement in Support of "1st Annual Doing Business in Puerto Rico" Summit ... Statement in Support of "1st Annual Doing Business In P ...

[details](#)



Message from the Board Chair ...

On behalf of the Board of Directors of the United States Hispanic Chamber ...

[details](#)

USHCC and USHCC Foundation - Background Information on Trademark Dispute with US Chamber of Commerce ... United States Hispanic Chamber of Commerce United States His ...

[details](#)

Message from the President ...

Dear Colleagues,

PRESS RELEASES

USHCC Foundation Statement in Support of "1st Annual Doing Business in Puerto Rico" Summit ...
[more](#)

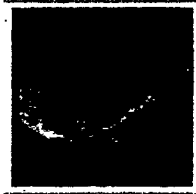
USHCC and USHCC Foundation - Background Information on Trademark Dispute with US Chamber of Commerce ...
[more](#)

Kutztown University, USHCC Foundation and Hispanic Business Leaders create powerful new business tool for Hispanic entrepreneurs locally and nationwide ...
[more](#)

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
[more](#)

[More Press Releases](#)

H07256



I would like to take this opportunity to ...

[details](#)

[Nationwide Effort Launched to Educate Next Generation of Entrepreneurs and Innovators ...](#)

Hundreds of organizations, including the details

[The USHCC Foundation establishes visionary Strategic Plan focused on Capacity Building, Leadership Development and Hispanic Business Policy and Resear ...](#)

Over the past few months the USHCC Foundation has been hard at work creatin ...

[details](#)

[Casa Cyber Update ...](#)

Year one of the national Casa Cyber Community Technology and Small Busin ...

[details](#)

[Foundation Focus Series ...](#)

Last April the USHCC Foundation announced 20 new technology projects that l ...

[details](#)

[Gulf Coast Federal Contracting Information and Resources ...](#)

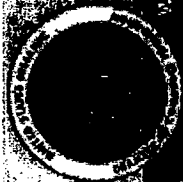
The Hurricane Contracting Information Center provides a central point of re ...

[details](#)

[Previous](#) [\[1 \]](#) [2](#) [3](#) [4](#) [5](#) [6](#) [Next](#) [\[+\]](#)

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H07257



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[HOME](#) | [ABOUT US](#) | [CONTACT US](#) | [SPEAKERS & TRAINERS](#) | [EVENTS](#) | [SOCIETIES](#) | [SOCIETIES](#) | [SOCIETIES](#) | [SOCIETIES](#)

■ PRESS RELEASES

10 per page

● **USHCC Foundation Launches Online "Video-On-Demand" Television - View Video from the Recent 27th Annual National Convention held in Philadelphia, PA ...**
The USHCC Foundation has launched a brand new details

● **USHCC Foundation Statement in Support of "1st Annual Doing Business in Puerto Rico" Summit ...**
Statement In Support of "1st Annual Doing Business In P ...

▢ details

● **United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...**
United States Hispanic Chamber of Commerce Foundation Signs Memoran ...

▢ details

● **Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...**
Comcast Foundation Joins USHCC Foundation in Providing Capacity Bui ...

▢ details

● **USHCC and USHCC Foundation - Background Information on Trademark Dispute with US Chamber of Commerce ...**
United States Hispanic Chamber of Commerce
United States His ...

▢ details

● **Kutztown University, USHCC Foundation and Hispanic Business Leaders create powerful new business tool for Hispanic entrepreneurs locally and nationwid ...**

■ WHATS NEW

Special Message from the President ...
▢ more

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
▢ more

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...
▢ more

Special Message from the USHCC Foundation Chairman ...
▢ more

▢ More News

H07258


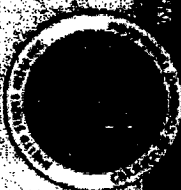
Kutztown University, USHCC Foundation and Hispanic Business Leaders ...

[details](#)

[Previous](#) [1] [Next](#)

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H07259



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WHAT'S NEW | EDUCATION AND TRAINING | ARTS & CULTURE | SCHOLARSHIPS | INTERNSHIPS | EVENTS CALENDAR

IN HOME
IN ADVISORY
IN CONTRACTS
IN SPONSORSHIP PARTNERS

FINANCIAL EDUCATION

Financial Education

❖ XTREME FUTURES - NEW!
❖ HOT SHOT BUSINESS

➕ Go to E-Mentoring Resources

WHAT'S NEW

Special Message from the President ...
❖ more

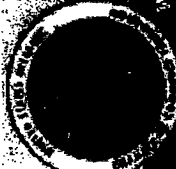
Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
❖ more

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...
❖ more

Special Message from the USHCC Foundation Chairman ...
❖ more

❖ More News

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UNITED STATES HISPANIC CHAMBER OF COMMERCE

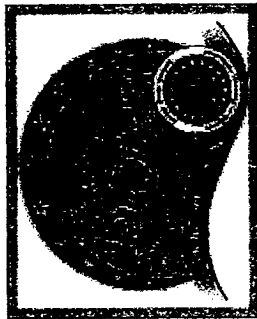
WHAT'S NEW | EDUCATION AND TRAINING | BIZFEST | SCHOLARSHIPS | INTERNSHIPS | EVENT CALENDAR

[HOME](#) |
 [ABOUT US](#) |
 [CONTACT US](#) |
 [DONORS](#) |
 [PARTNERS](#)

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Click Here to Register Online

Throughout the year the United States Hispanic Chamber of Commerce (USHCC) Foundation offers the Regional Youth Entrepreneurship "BizFest" in a number of cities across the United States. "BizFest" is a three and half-day intensive workshop series equipping Latino students, ages 17-25, with the tools to be successful in both business and life.



The "BizFest" teaches students a variety of business techniques and focuses on: turning hobbies and skills into profit-making ventures; establishing entrepreneurial and leadership goals; creating plans for business and life; becoming effective leaders and team players; networking in business environments; identifying investment opportunities; implementing money management; and making public presentations. From attending the BizFest, students will gain entrepreneur experience, economic literacy, improved skills in math, reading, writing and verbal communication and workforce readiness.

A Regional "BizFest" consists of two main components:

1. The "Foundation for Success"
2. Entrepreneurship Training

The "Foundation for Success" is the integration of strategic thinking and personal assessment skills. These skills revolve around a dynamic self-esteem building process that engages young people in the learning of strategic selling concepts as well as in the process of assessing their own personal inventories. This personal inventory includes: attitude, discipline, sense of urgency, level of commitment and education/knowledge, all essential elements of success and being successful.

The Entrepreneurship Training follows an established and validated curriculum created by the Girl Scouts of the USA. After learning the basic mechanics of entrepreneurship, students will develop a business concept and business plan. Students will then take part in a business plan competition.

BIZFEST

BizFest-Houston


details

H07262


Selected winners will receive scholarship awards and access to mentoring and future entrepreneurship partnering opportunities with business and corporate partners of the USHCC Foundation.

"BizFest" offers its participant's unparalleled opportunities for mentorship and one-on-one exchange with top business executives.

 Go to National Bizfest & Competition

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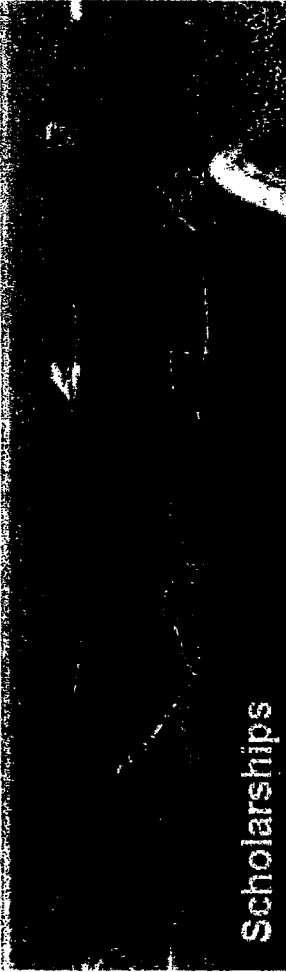
H07263



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[HOME](#) | [ABOUT US](#) | [CONTACT](#) | [SCHEDULING](#) | [INTERNSHIPS](#) | [EVENTS](#) | [CALENDAR](#)

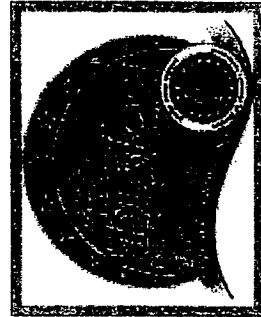
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Scholarships

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■ WHAT'S NEW

Special Message from the President ...
[more](#)

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ...
[more](#)

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ...
[more](#)

Special Message from the USHCC Foundation Chairman ...
[more](#)

❖ More News

H07264

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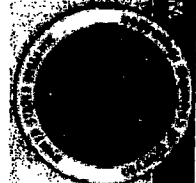
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Go to Regional Bizfest

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H07265




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INTERNSHIPS



Internships

The USHCC Foundation will be offering different internship programs for students via our web site. Click on the links below for more information and to apply online:

**CENDANT**

❖ Cendant Corporation and USHCC Foundation Internship Program

WHAT'S NEW

Special Message from the President ... [more](#)

Comcast Foundation Joins USHCC Foundation in Providing Capacity Building Training ... [more](#)

United States Hispanic Chamber of Commerce Foundation Signs Memorandum of Understanding with Southeastern Louisiana University ... [more](#)

Special Message from the USHCC Foundation Chairman ... [more](#)

❖ More News

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